

**LOCAL RULES**

of the

United States Bankruptcy Court  
for the  
District of Columbia

**IN EFFECT AS OF JANUARY 1, 1997**

These Rules are in effect as of the above date, but are subject to change; amendments will appear in the looseleaf edition of the Rules published by RULES SERVICE (301)562-1530.

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

CLERK'S OFFICE  
Room 4400  
United States Courthouse  
Third and Constitution Ave., N.W.  
Washington, D. C. 20001

OPEN TO PUBLIC: 9:00 a.m. - 4:00 p.m. Monday - Friday  
(except holidays)

Telephone Listings

Bankruptcy Court Clerk's Office	.....	565-2500
Voice Case Information System	.....	208-1365
Admission to the Bar - Room 1225	.....	354-3107

Other U.S. Courthouse Numbers

Court of Appeals for the D.C. Circuit Information	.....	216-7000
U.S. District Court Information	.....	354-3000
Marshal's Office Information	.....	353-0600

Clerk of Court  
Denise H. Curtis

Presiding Bankruptcy Judges

S. Martin Teel, Jr.

Paul Mannes, Judge, U.S. Bankruptcy Court  
for the District of Maryland  
(Sitting by Designation)

ADVISORY COMMITTEE  
ON LOCAL BANKRUPTCY  
RULES  
As Constituted October 1, 1996

*Chairman:*

Paul D. Pearlstein, Esq.

*Members:*

Marc E. Albert, Esq.

Honorable S. Martin Teel, Jr.

Stephen J. Csontos, Esq.

Claire M. Whitaker, Esq.

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William Douglas White, Esq.

Mary Joanne Dowd, Esq.

*Representatives from Clerk's  
Office:*

Dennis J. Early, Esq.

Denise H. Curtis, Clerk

David Lynn, Esq.

Patricia A. Krosel

Kevin R. McCarthy, Esq.

Cynthia A. Niklas, Esq.

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FOR THE DISTRICT OF COLUMBIA

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## **Rule 1001-1**

### **Rule 1001-1. SCOPE OF RULES; TITLE**

(a) Scope of Rules and Title. These Rules govern practice and procedure in the United States Bankruptcy Court for the District of Columbia. These Rules supplement the Federal Rules of Bankruptcy Procedure. They may be cited as the "Local Bankruptcy Rules" or as "LBR" (or, to distinguish the Rules from other districts' rules, "D.C. LBR").

(b) Cross-References. LBR 9029-1 (Suspension of Rules); LBR 9029-2 (Standing Orders); LBR 9029-3 (Local District Court Rules).

*NOTE: These Rules follow the uniform national numbering system for local rules suggested by the Judicial Conference of the United States. Accordingly, what may be perceived as gaps in the numbering of these Rules merely reflects that these Rules do not cover every topic for which a uniform national number exists and that the uniform national numbers themselves intentionally have gaps.*

## **PART I**

### **COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF**

#### **RULE 1002-1. PETITION - GENERAL**

(a) Copies. With the original petition, there shall be submitted to the Clerk:

(1) three (3) copies of the original in a case filed under chapter 7, 12, or 13; and

(2) six (6) copies of the original in a case filed under chapter 9 or 11.

## **RULE 1002-1**

### **(b) Verification of Authority to File.**

(1) Corporations. In the case of a corporate debtor, there shall be filed with any voluntary petition, or any consent to an involuntary petition, a copy of the corporate resolution authorizing such filing.

(2) Partnerships. See LBR 1004-1 for the certificate required to accompany the petition of a partnership.

(c) Requirement of Filing Fee. A petition is not deemed filed and shall be returned by the Clerk if the petition is not accompanied by the required fee unless the Court (or the Clerk acting on behalf of the Court) grants an application to pay the fee in installments.

(d) Mailing Matrix. For the requirements regarding the mailing matrix which must accompany the petition, see LBR 1007-2.

## **RULE 1004-1. PETITION - PARTNERSHIP**

In the case of a debtor that is a partnership, there shall be filed with any voluntary petition or any consent to an involuntary petition, a statement signed by a general partner stating that all general partners have consented to such filing, together with a certificate of mailing, to all general partners who have not signed the petition (or the consent to the involuntary petition), of (1) a copy of the voluntary petition (or of the consent to the involuntary petition) and (2) a statement of the date on which the voluntary petition or the consent is being filed.

## **RULE 1007-1. LISTS, SCHEDULES, & STATEMENTS**

## **RULE 1004-1**

(a) Copies and Supplemental Mailing Matrix. With the lists, schedules and statements (including amendments thereto) required under F.R. Bankr. P. 1007 there shall be submitted to the Clerk:

(1) three (3) copies of the originals in cases filed under chapters 7, 12, and 13;

(2) six (6) copies of the originals in cases filed under chapters 9 and 11; and

(3) in the case of schedules, the supplemental mailing matrix required by LBR 1007-2(e) or a written statement that the schedules do not add or change any addresses of creditors and equity security holders.

(b) Notification of Creditors in Chapter 11 Case Scheduled as Disputed, Contingent or Unliquidated. The debtor in each chapter 11 case shall serve each creditor whose claim is listed on the Schedules as disputed, contingent, or unliquidated with a notification of that fact within fifteen (15) days after the later of the conversion of the case to chapter 11, the filing of the Schedules of Liabilities, or the adding of such creditors to previously filed Schedules. The notification must advise such creditors of their right to file proofs of claim and that their failure to do so may prevent them from voting upon the plan or participating in any distribution thereunder. The debtor shall file a certificate of service of said notification within five (5) days of service.

## **RULE 1007-2. MAILING MATRIX**

## RULE 1007-1

(a) General. There shall be filed with the petition in every voluntary case a mailing matrix. It shall list in alphabetical order the names and addresses including postal zip codes of all creditors (other than those the Clerk's format specifies should not be included) and all equity security holders.

(b) Format of Matrix. The mailing matrix and any supplement thereto shall be submitted in the format set by the Clerk.

(c) Use of Matrix as List of Creditors. A copy of the original mailing matrix may be filed as a substitute for the list of creditors required by F.R. Bankr. P. 1007(a), provided that the copy is captioned as the list of creditors and contains a verification or unsworn declaration as provided for by F.R. Bankr. P. 1008.

(d) Computer Diskette in Case of Large Number of Creditors and Interested Parties. If there are numerous creditors and other parties in interest, the Clerk may direct that in lieu of or in addition to a written mailing matrix, the debtor shall, at the debtor's expense, provide a computer diskette meeting the Clerk's office's specifications and listing the creditors and other parties in interest in the form set by the Clerk.

(e) Amendment of Matrix. A supplemental mailing matrix shall be filed with any schedule or amended schedule which contains alterations or additions to the information on the original matrix.

(f) Making Changes Based on Addresses on Proof of Claim. When F.R. Bankr. P. 2002(g) requires use of the address on a proof of

## **RULE 1007-2**

claim for notice purposes, the Clerk, or such other entity as the Court shall direct, shall amend the matrix accordingly.

### **RULE 1009-1. AMENDMENTS TO LISTS & SCHEDULES**

The following procedures shall apply to amendments to schedules adding previously unscheduled creditors:

(a) A copy of the amendment shall be transmitted to the Office of the U.S. Trustee and to any trustee who has been appointed in the case.

(b) The debtor shall serve upon each creditor added by the amendment:

(1) a copy of the amendment;

(2) a copy of the original Order for Meeting of Creditors and any supplemental notice bearing on any of the bar dates for filing claims, complaints to determine the dischargeability of a debt and complaints objecting to discharge;

(3) a copy of any currently proposed or already confirmed plan and of any order confirming the plan; and

(4) a copy of each separate order, if any, which establishes or extends a bar date for claims or for complaints objecting to discharge or for complaints to determine the dischargeability of a debt.

(c) The debtor shall file a certificate showing compliance with the above requirements together with a dated supplemental mailing matrix, as required by LBR 1007-2(e), clearly titled as such, which includes the names and correct mailing addresses of all

## **RULE 1009-1**

newly scheduled creditors.

(d) The notification requirements of LBR 1007-1(b) apply to any claim listed as disputed, contingent or unliquidated on such amended schedules in a chapter 11 case.

## **RULE 1013-1. DISPOSITION OF INVOLUNTARY PETITION**

Dismissal of an involuntary petition is governed by LBR 1017-2(a). Consents to an involuntary petition are governed in the case of corporations and partnerships, respectively, by LBR 1002-1(b)(1) and LBR 1004-1.

## RULE 1017-2

### RULE 1017-2. DISMISSAL OF CASE

(a) Dismissal of Involuntary Petition. Prior to dismissal of an involuntary petition on motion of a petitioner or on consent of all petitioners and the debtor, or for want of prosecution, the debtor shall prepare and file a list of all creditors. Notice under LBR 2002-1 on a petitioner's motion to dismiss, or on a motion to dismiss on consent of all petitioners and the debtor, or on a motion to dismiss for want of prosecution, shall contain the following additional information:

(1) A disclosure by the moving party of the reasons dismissal is sought;

(2) The terms of any settlement reached with the debtor, including any consideration received; and

(3) A notice that any creditor may file objections or may join in the petition under 11 U.S.C. ' 303(c).

(b) Cross-Reference. For the dismissal of cases based on failure to pay the filing fee, see LBR 1002-1(d).

*NOTE: LBR 1017-2(a) supplements 11 U.S.C. ' 303(j) and imposes requirements suggested by Colliers.*



## RULE 2002-1

### PART II

#### OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ATTORNEYS AND ACCOUNTANTS

##### RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES

(a) General. This Rule governs notices required under F.R. Bankr. P. 2002(a), 6004 and 6007 and similar rules requiring notice to creditors and other interested parties (as opposed to notice to an actual party to a contested matter). This Rule imposes obligations in addition to any notice obligations found in other Local Rules, such as the rules governing motions practice.

(b) Notice of Period for Objections. Except where the Federal Rules of Bankruptcy Procedure specifically require a different time (as in the case of F.R. Bankr. P. 6004(b) and (d) and 6007), all notices shall conspicuously give the recipient not less than twenty (20) days from the date of the notice to file an objection to the action contemplated to be taken in the notice, unless otherwise ordered by the Court.

(c) Content of Notice. The notice shall advise parties in interest:

- (1) where they must file objections and by when;
- (2) that objections must contain a complete specification of the factual and legal grounds upon which they are based;
- (3) that the action may be authorized without further order or notice if no objections are filed;
- (4) that the Court may grant the relief without a hearing, in its discretion, if the objection states inadequate grounds for

## RULE 2002-1

denial; and

(5) that parties in interest with questions may contact the party giving notice or its attorney.

No notice given shall compel an objecting party to attend a Court hearing in support of the objection unless otherwise ordered. The address and the telephone number of the party to be contacted must appear on the notice. Notice is sufficient under this paragraph if it is substantially in the form of Local Official Form No. 4. In addition to the information required to be given with respect to specific kinds of notice, all notices shall contain sufficient information to enable a party in interest to make a reasonably well-informed decision as to whether to object to the action proposed in the notice.

(d) Objections. If an objection is filed, the objecting party shall set forth in its objection or in an accompanying memorandum of fact and law such authority upon which it relies for its objection and shall certify the service of the objection and, if applicable, memorandum on the opposing party or parties and their counsel. Within ten (10) days of service of the objection, the noticing party may file a responsive memorandum. Parties may append affidavits and documents to their objections and memoranda.

(e) Transmission of Notices - General. A party transmitting a notice under this Rule shall transmit it based on the current matrix of creditors and other parties in interest required under LBR 1007-2. The party may obtain matrix labels from the Clerk.

## RULE 2002-1

Where any person obtains such labels from the Clerk's office, or a copy of the matrix maintained by the Clerk, it shall be the responsibility of that person to ensure that all parties required to receive notice are included on the labels or the copy of the matrix furnished by the Clerk and that each party's address is the correct address under F.R. Bankr. P. 2002(g).

(f) Limitation of Notice - Chapter 7. Unless otherwise directed by the Court, in chapter 7 cases all notices subject to F.R. Bankr. P. 2002(h) may be transmitted only to creditors whose claims have been filed and to those creditors, if any, still permitted to file claims.

(g) Limitation of Notice - Chapter 11. Unless otherwise ordered by the Court, where an official unsecured creditor's committee is appointed and creditors exceed thirty (30) in number, notices in a chapter 11 case pursuant to F.R. Bankr. P. 2002(a)(2), (3) and (7) and such other notices as the Court directs, may, at the option of the party giving notice, be transmitted only to the debtor, any trustee, the U.S. Trustee, the members of all official committees (or committee counsel, if appointed, or other authorized agent) and to those creditors and equity security holders who file with the Clerk and serve on counsel for the debtor-in-possession or the trustee a written request that all such notices be transmitted to them.

(h) Certification of Transmission. Certification of transmission of a notice on its stated date shall be filed with the

## RULE 2002-1

Clerk, within five (5) days after transmission, in compliance with LBR 5005-1(h).

(i) Proponent to Give Notice. Except as stated elsewhere in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these Local Rules, or by order of the Court, the proponent of any action requiring notice governed by this Rule shall transmit the notice, unless the Clerk determines to give the notice.

(j) Entities Requesting to Receive All Notices. Any entity wishing to receive all notices under F.R. Bankr. P. 2002 shall file a document styled "Request to Receive All Notices in Case" which the Clerk shall docket. If the entity is not already included on the mailing matrix under LBR 1007-2, the request shall additionally request that the entity be added to the mailing matrix and, if requested by the Clerk, the entity shall submit a supplemental matrix for that purpose. The request shall be served on the trustee or, if no trustee has been appointed, the U.S. Trustee, the debtor-in-possession, the debtor-in-possession's attorney, and any committees appointed in the case.

(k) Hearing. The Court may set a hearing if timely objection is filed or the Court otherwise deems a hearing appropriate. Other procedures governing the setting of a hearing are set forth in LBR 5070-1. The conduct of a hearing is governed by LBR 9073-1.

(l) Cross-Reference. LBR 9013-1(c) governs the entities to be served with motions.

*NOTE: Paragraphs (a) through (d) of this Rule are an adaptation of Md. L. Bankr. R. 19.*

## **RULE 2002-1**

*Paragraph(a) reflects that as in the case of F.R. Bankr. P. 2002, this Rule addresses only the issue of notice generally required to be sent to the creditor body, not the issue of who gets served with papers within a contested matter or an adversary proceeding. The latter issue is governed by LBR 9013-1(c) in the case of motions and by other rules relating to specific kinds of contested matters (objections to claims, etc.).*

*Paragraph (b), except where a F.R. Bankr. P. such as Rule 6007 specifies a deadline "after mailing of the notice," authorizes notice to object within a specified time after the date of the notice, instead of after the service of the notice, thereby avoiding the requirement of F.R. Bankr. P. 9006(f) of adding three days to the response time when the time is measured from the date of mailing.*

*Paragraph (e) reflects that a creditor may have filed a proof of claim requiring use of the address on the proof of claim for notice purposes. The Clerk may not have changed the mailing matrix to reflect the changed address. A party obtaining mailing labels or a copy of the matrix from the Clerk may always point out to the Clerk any specific changes that are needed to make the mailing matrix correct.*

## **RULE 2002-2. NOTICE TO UNITED STATES OR FEDERAL AGENCY OR DISTRICT OF COLUMBIA**

In the case of notice required to be sent to a creditor, as opposed to an actual party to a contested matter, when that creditor is:

(a) the District of Columbia or an agency thereof, the notice shall be sent to the affected agency and to the Office of Corporation Counsel of the District of Columbia;

(b) the Internal Revenue Service, the notice shall be sent to the Special Procedures Staff, Internal Revenue Service.

## **RULE 2002-1**

*NOTE: The mailing addresses for the entities mentioned in the Rule, as of the date of adoption of the Rule, are: Office of Corporation Counsel of the District of Columbia, 441 Fourth Street, N.W., Suite 1060 N, Washington, D.C. 20001; Internal Revenue Service, Special Procedures Staff, P.O. Box 1076, Baltimore, MD 21203.*

### **RULE 2003-1. MEETING OF CREDITORS & EQUITY SECURITY HOLDERS**

(a) A request by the debtor or the debtor's attorney to continue a meeting of creditors shall be made in advance or at the meeting of creditors as follows: in chapter 13 cases to the standing Chapter 13 Trustee; in chapter 7 cases to the interim Chapter 7 Trustee; and in chapter 11 cases to the Assistant U.S. Trustee. Upon denial of or failure to act upon the request, a motion may be filed with the Court.

(b) In cases under chapter 7 or 11, if the debtor fails to appear at a meeting of creditors, any motion to dismiss on that basis shall be deemed to include a motion to enlarge the time, if not already expired, for objecting to discharge until thirty (30) days after resolution of the motion to dismiss.

(c) If the debtor does not appear as required at the meeting of creditors under 11 U.S.C. ' 341 or at a continuation of that meeting of creditors, the meeting shall be deemed not to have been concluded for purposes of F.R. Bankr. P. 4003(b).

*NOTE: The officer granting a continuance under LBR 2003-1(a) may require notice to creditors as the situation warrants.*

## **RULE 2003-1**

### **RULE 2004-1. EXAMINATIONS**

A motion under F.R. Bankr. P. 2004 for an examination of or the production of documents by an entity other than the debtor (or for permission to issue a subpoena to the debtor for such an examination or production) need not include the notice required by LBR 9013-1(b)(4) to accompany motions commencing contested matters and the movant may submit a praecipe requesting the Clerk to bring the motion to the Court for a ruling without awaiting a response.

*NOTE: This Rule is designed to expedite the granting of orders allowing examinations under F.R. Bankr. P. 2004 of entities other than the debtor. Such an order must be enforced by service of a subpoena, such that any defenses to the examination can be raised in response to the subpoena under F.R. Civ. P. 45 (made applicable by F.R. Bankr. P. 9016). In the case of the debtor, however, any defenses to the examination of the debtor or the debtor's records should ordinarily be raised in response to the motion because the order will adjudicate the parties' rights and will be subject to enforcement by the Court's contempt powers, with the propriety of the order no longer at issue except on appeal. This would not be the case when the motion only seeks permission to issue a subpoena to the debtor for an examination or production of records (as opposed to an order requiring the debtor, whether subpoenaed or not, to appear for examination or to produce records).*

### **RULE 2016-1. COMPENSATION OF PROFESSIONALS**

## RULE 2004-1

Applications of Professionals for Compensation and Reimbursement - General. Any professional seeking interim or final compensation for services and reimbursement of expenses under 11 U.S.C. " 330, 331 or 503(b)(2) or (4), shall file an application for compensation and reimbursement. In addition to the information specifically required by F.R. Bankr. P. 2016(a), the application shall also include:

- (a) The time period during which the services were performed;
- (b) The date of any order authorizing the employment;
- (c) The date and amount of any pending fee application, of any prior fee allowance, and of any retainer or payment;
- (d) A brief narrative statement concerning the services performed, the total time spent performing the services, and the results achieved, including, in the case of an attorney, how the attorney's efforts have contributed to the estate (in light of its present status and the anticipated additional time and fees that will be necessary to conclude the case);
- (e) If the applicant intends to seek compensation as both attorney and trustee, a recitation that fees are not being sought by the individual as attorney for work which is the responsibility of the trustee (it being advisable separately to list time spent as trustee);
- (f) When the fees sought exceed \$10,000, a summary or cover sheet that provides a synopsis of the following information:
  - (1) total compensation and expenses requested and any



**RULE 2016-1**

amount(s) previously requested;

(2) total compensation and expenses previously awarded by the Court;

(3) name and applicable billing rate for each person who billed time during the period, and date of bar admission for each attorney;

(4) total hours billed and total amount of billing for each person who billed time during the billing period; and

(5) computation of blended hourly rate for persons who billed time during period, excluding paralegal or other paraprofessional time;

(g) A chronological itemization of services performed which includes the date each service was performed, the amount of time spent in performing each service, and a narrative description of each service performed. If the itemization of services is extensive or complex, as in the case of multiple adversary proceedings or substantial contested matters, the chronological itemization shall be done by project, dispute or subject matter and include a summary setting forth the information required by paragraphs (f)(4) and (f)(5) above with respect to the time spent on such project, dispute or subject matter. Such "project billing" shall presumptively be required when the application seeks in excess of \$20,000;

(h) A separate document styled "List of Each Day on Which an Employee Spent More Than 12 Hours" listing each employee who is

## **RULE 2016-1**

being billed for more than 12 hours in a given day, the amount of time the employee is billing and the tasks performed for that day.

(i) An itemization of actual, necessary expenses incurred (1) stating that, except for expenses listed in the amount charged by the vendor of the service or item to the applicant, each charge is in an amount reflecting the applicant's ordinary rate of charge and indicating what the ordinary unit rate of charge is for each separate category of service (e.g., photocopying and facsimile transmission or receipt charges) and (2) when charges are made for travel and related expenses each travel expense (including the class of travel) and each hotel and meal expense shall be separately stated and all such expenses shall not be luxury or deluxe or first class.

## **RULE 2016-3.    COMPENSATION OF DEBTOR OR DEBTOR-S OFFICERS, PARTNERS AND DIRECTORS IN CHAPTER 11**

(a) Unless otherwise ordered by the Court, the rate of compensation paid in a chapter 11 case to members of a debtor partnership, or to an officer or director of a debtor corporation, or to an individual debtor after the filing of the petition shall not exceed the rate of compensation paid to those persons ninety (90) days prior to the filing of the petition.

(b) Within twenty (20) days after the date of filing of the petition, the debtor shall file and serve on the U.S. Trustee and any committee of creditors holding unsecured claims (or, if no such committee has been appointed, the creditors listed under F.R.

## **RULE 2016-1**

Bankr. P. 1007(d)) a statement containing the following information:

(1) the name of the debtor, if an individual, or the members of the partnership, or the officers and directors of the corporation, and any other insiders, specifying the position and duties of each;

(2) the rate of compensation paid to each ninety (90) days prior to and at the time of the filing of the petition; and

(3) the rate of compensation of each as of the time the statement is filed.

### **RULE 2016-4. ADMINISTRATIVE CLAIMS OF ENTITIES OTHER THAN PROFESSIONALS**

Except for fees and expenses subject to 11 U.S.C. ' 330, a Chapter 7 Trustee shall have the authority, prior to approval of his final report, without further order of the Court, to pay (1) reasonable and necessary administrative expenses in an aggregate amount not exceeding \$2,500 and (2) administrative taxes. The \$2,500 limit will be adjusted in the same manner as the adjustments provided for by 11 U.S.C. ' 104(b)(1).

*NOTE: The adjustments under 11 U.S.C. ' 104(b)(1) are made every three years commencing April 1, 1998, and will be published in the Federal Register. For example, the \$1,000 and \$1,500 exemptions under 11 U.S.C. ' 522(d)(4) and (6) will be adjusted and by adding the two adjusted amounts, the adjusted \$2,500 limit provided in this Rule can be derived.*

### **RULE 2090-1. ATTORNEYS - ADMISSION TO PRACTICE**

(a) Attorneys. Attorneys may practice before this Court in

## RULE 2090-1

accordance with the terms of Local District Court Rule 104. Title VII of the Local District Court Rules (relating to discipline of attorneys and various matters relating to members of the bar of the District Court) applies to the Bankruptcy Court as a unit of the District Court and attorneys practicing before this Court shall be subject to the disciplinary procedures of that Title VII. Any certificate required by Local District Court Rule 104(b) shall be filed with the Clerk of the District Court in a form prescribed by that Clerk.

(b) Entry of Appearance; Scope of Duties Imposed by Entry of Appearance. The entry of appearance of counsel and the duties arising from such entry are governed by LBR 9010-1.

(c) Law Students. Law students may practice before this Court in accordance with the terms of Local District Court Rule 117, with the following modifications:

(1) Subsection (b)(1)(ii) shall read: AHave completed at least 3 semesters of legal studies, or the equivalent, including three semester hours, or the equivalent, in bankruptcy law or a clinic specializing or concentrating in the handling of bankruptcy cases;@

(2) Subsection (b)(1)(iii) shall strike the words "and Criminal" and have added after the words "Professional Responsibility" the following: "and have knowledge of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules, and such other statutes or rules that may be or become applicable to bankruptcy cases and proceedings;"

## **RULE 2090-1**

(3) Subsection (b)(3)(vi) shall read: "Supervise concurrently no more than twenty-five (25) students carrying clinical practice in bankruptcy as part of their academic program, with a total of not more than five (5) students per semester, or equivalent, being certified and practicing under this Rule;"

*NOTE to LBR 2090-1(a): Local District Court Rule 104 provides:*

### **PRACTICE BY ATTORNEYS**

#### **(a) PRACTICE BY MEMBERS OF THE BAR OF THIS COURT.**

An attorney who is a member in good standing of the bar of this Court may appear, file papers and practice in this Court, provided that the attorney complies with section (b) of this Rule.

#### **(b) APPEARANCE AS SOLE OR LEAD COUNSEL IN A CONTESTED EVIDENTIARY HEARING OR TRIAL ON THE MERITS.**

Each attorney who acts as sole or lead counsel in any contested evidentiary hearing or trial on the merits, civil or criminal, must have on file with the Clerk's Office a certificate, in a form prescribed by the Clerk, that the attorney

- (1) has previously acted as sole or lead counsel in a federal district court or the Superior Court of the District of Columbia or a state trial court of general jurisdiction in a contested jury or bench trial or other contested evidentiary hearing in which testimony was taken in open court and an order or other appealable judgment was entered; or
- (2) has participated in a junior capacity in an entire contested jury or bench trial in a federal district court or the Superior Court of the District of Columbia or a state trial court of general jurisdiction; or
- (3) has satisfactorily completed a continuing legal education trial advocacy course of at least 30 hours sponsored by the District of Columbia Bar or accredited by a State bar.

## **RULE 2090-1**

### **(c) PRACTICE BY NON-MEMBERS OF THE BAR OF THIS COURT.**

An attorney who is a member in good standing of the bar of any United States Court or of the highest court of any State, but who is not a member of the bar of this Court, may file papers in this Court only if such attorney joins of record a member in good standing of the bar of this Court. All papers submitted by non-members of the bar of this Court must be signed by such counsel and by a member of the bar of this Court joined in compliance with this Rule.

### **(d) PARTICIPATION BY NON-MEMBERS OF THIS COURT'S BAR IN COURT PROCEEDINGS.**

An attorney who is not a member of the bar of this Court may be heard in open court only by permission of the judge to whom the case is assigned.

### **(e) ATTORNEYS EMPLOYED BY THE UNITED STATES.**

An attorney who is employed or retained by the United States or one of its agencies may appear, file papers and practice in this Court in cases in which the United States or the agency is a party, irrespective of (c) and (d) above.

### **(f) ATTORNEYS EMPLOYED BY A STATE.**

A State Attorney General or that official's designee, who is a member in good standing of the bar of the highest court in any State or of any United States Court, may appear and represent the State or any agency thereof, irrespective of (c) and (d) above.

### **(g) ATTORNEYS REPRESENTING INDIGENTS.**

Notwithstanding (c) and (d) above, an attorney who is a member in good standing of the District of Columbia Bar or who is a member in good standing of the bar of any United States Court or of the highest court of any State may appear, file papers and practice in any case handled without a fee on behalf of indigents under Local Rule 702 upon filing a certificate that the attorney is providing representation without compensation.

### **(h) ENTRY AND WITHDRAWAL OF APPEARANCE.**

Attorneys may enter and withdraw appearances in civil actions as provided in Rule 201 of these Rules, and in criminal actions as provided in Rule 301 of these Rules.

## RULE 2090-1

### **(i) STRIKING APPEARANCE FOR NONATTENDANCE AT COURT PROCEEDINGS.**

*The Court may, upon notice and after affording an opportunity to be heard, strike the appearance of any attorney in a particular case for failure, without adequate cause, to attend any hearing, conference or other proceeding. The fact that an attorney's residence or office is located at a place distant from the District of Columbia does not constitute grounds for rescheduling or failing to attend Court proceedings.*

*NOTE: LBR 2090-1(c) revises the language of current Local Bankr. R. 3(b) to reflect renumbering of the related Local District Court Rule regarding law students, but makes no substantive change.*

## **RULE 2091-1. ATTORNEYS - WITHDRAWALS**

(a) Withdrawal of Appearance by Notice. If (1) no trial date has been set with respect to the specific matters for which withdrawal is to be effected and (2) another attorney has previously entered an appearance on behalf of the client, an attorney may withdraw an appearance in the specified matters by filing a notice of withdrawal signed by the attorney and the party represented. If the withdrawing attorney has been generally representing the debtor in the case and the withdrawal is from such general representation, the notice of withdrawal shall be served as well on all creditors in the case.

(b) Withdrawal of Appearance by Motion. Local District Court Rule 201(c) governs withdrawal of an appearance by motion except that (1) the motion shall identify the specific matters as to which withdrawal is sought and (2) the requirement of service "upon all parties to the case" shall mean, all parties to the contested

## RULE 2091-1

matter or adversary proceeding or other specific matter involved and, in the case of an attorney representing the debtor or debtor-in-possession or trustee, shall mean additionally the debtor, the U.S. Trustee and any trustee in the case. The proposed order submitted with the motion shall direct any attorney who is withdrawing from representing the debtor generally in the case to file a notice to all creditors of such withdrawal within ten (10) days of entry of the order.

(c) Requirement of Separate Withdrawal in Each Adversary Proceeding. When an attorney seeks to withdraw as counsel in an adversary proceeding, the withdrawal papers shall be filed in the adversary proceeding itself. An order in the main case authorizing the attorney's withdrawal shall not constitute a withdrawal in the adversary proceeding.

(d) Ruling on Motion to Withdraw Appearance. Local District Court Rule 201(d) applies to motions for leave to withdraw.

(e) Appearances. The subject of what constitutes an appearance, and the minimum representation that requires in the case of representation of a debtor, is governed by LBR 9010-1.

*NOTE: This Rule and LBR 9010-1 are adapted from Local District Court Rule 201 and Md. L. Bankr. R. 5, but make substantive alterations thereto. Local District Court Rules 201(c) and (d) provide:*

**(c) WITHDRAWAL OF APPEARANCE BY MOTION.**

*If a trial date has been set, or if the party's written consent is not obtained, or if the party is not represented by another attorney, an attorney may withdraw an appearance for a party only by order of the Court upon motion by the attorney served upon all parties to the*



## **RULE 2091-1**

*case. Unless the party is represented by another attorney or the motion is made in open court in the party's presence, a motion to withdraw an appearance shall be accompanied by a certificate of service listing the party's last known address and stating that the attorney has served upon the party a copy of the motion and a notice advising the party to obtain other counsel, or, if the party intends to conduct the case in proper person or to object to the withdrawal, to so notify the Clerk in writing within five days of service of the motion.*

### **(d) RULING ON MOTION TO WITHDRAW APPEARANCE.**

*The Court may deny an attorney's motion for leave to withdraw if the withdrawal would unduly delay trial of the case, or be unfairly prejudicial to any party, or otherwise not be in the interests of justice. The Clerk shall mail to the affected party a copy of the order granting or denying the motion for leave to withdraw.*

## **PART III**

### **CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS**

#### **RULE 3007-1. CLAIMS - OBJECTIONS TO**

(a) In addition to the service required by F.R. Bankr. P. 9014 and 7004(b), the objecting party shall serve a copy of the objection to claim and memorandum in support, and the proposed order required by LBR 9072-1 if any, upon the claimant at the address (in care of the individual) shown on the proof of claim, and shall certify service on the date of the objection in accordance with LBR 5005-1(h). The objection shall advise the claimant conspicuously (in substantially the form of Local Official Form No. 6) that:

## **RULE 3007-1**

(1) within thirty (30) days of the date of the objection, the claimant shall file and serve a response opposing the objection together with the proposed order required by LBR 9072-1 and any documents and other evidence the claimant wishes to attach in support of its claim;

(2) an interested party may request a hearing, which may be held in the Court's discretion; and

(3) if no response is filed, the Court may rule on the objection with or without a hearing.

(b) This Rule does not apply where an objection to a claim is joined with a request for relief of a kind specified in F.R. Bankr. P. 7001 and is thereby filed as an adversary proceeding.

(c) Cross-References. LBR 5070-1, 5071-1 and 9073-1 govern hearings. LBR 9014-1 makes certain Part VII (Adversary Proceedings) rules applicable.

## **RULE 3015-1. CHAPTER 13 - PLAN**

(a) In a chapter 13 case, the debtor or the attorney for the debtor shall mail a copy of the debtor's plan and all amended plans to the Chapter 13 Trustee, all creditors, the Internal Revenue Service, the District of Columbia Department of Finance and Revenue and the United States Attorney's Office, Civil Division. Included with the mailing shall be a notice of the deadline for filing and serving on the debtor, the debtor's attorney, and the Chapter 13 Trustee, any objections to confirmation of the plan or the amended plan.

## **RULE 3015-1**

(b) A certificate of service of the mailing of the plan and notice shall be filed with the Clerk at the time the plan is being offered for filing or within five (5) days thereafter.

(c) The deadline for objecting to the original chapter 13 plan, unless the Court approves notice of a different deadline, is the later of (1) fifteen (15) days after the date first set for the meeting of creditors and (2) forty (40) days after the date the plan is mailed to the creditor. The deadline in the case of an amended plan is governed by LBR 3015-2(b).

*NOTE: As of the date of adoption of this Rule, the mailing addresses for the entities mentioned in the Rule are: Internal Revenue Service, Special Procedures Staff, P.O. Box 1076, Baltimore, MD 21203; District of Columbia Department of Finance and Revenue, 441 Fourth Street, N.W., Suite 500, Washington, D.C. 20001; United States Attorney's Office, Civil Division, Financial Litigation, 555 Fourth Street, N.W., Room 10-312, Washington, D.C. 20001.*

*The Chapter 13 Trustee and the Clerk's Office have available a form Chapter 13 Plan and Notice of Deadline to Object to Confirmation which includes the notice required by this Rule.*

## **RULE 3015-2. CHAPTER 13 - AMENDMENTS TO PLAN**

(a) LBR 3015-1(a) and (b) apply to amended plans except that the Court when appropriate may allow the debtor to amend the plan by a praecipe not served on creditors or by oral amendment at the confirmation hearing. The order of confirmation shall reflect any such amendments.

(b) The deadline for objecting to confirmation of an amended plan, unless the Court approves notice of a different deadline, is the later of (1) twenty-five (25) days after the date of service of

## **RULE 3015-2**

the plan and notice under LBR 3015-1(b) and (2) the date set for objecting to confirmation of the previous plan.

*NOTE: LBR 3015-2(a) allows amendments to be made at the confirmation hearing when appropriate (for example, when the amendments are favorable to all creditors or when all affected creditors consent).*

## **RULE 3015-3. CHAPTER 13 - CONFIRMATION**

Whenever a chapter 13 plan is confirmed, the Clerk shall give the entities on the mailing matrix notice of entry of the order confirming the plan and specifying which plan was confirmed and, if there were any amendments thereto, that there were amendments thereto reflected in the Court's record.

*NOTE: LBR 3015-2(a) allows certain amendments to be made orally or by praecipe not served on creditors. In addition, when multiple plans are filed in a case a creditor may not have received the latest version. This Rule assures that when creditors begin receiving payments they will know what plan is controlling in the event that something different from the original plan was confirmed.*

## **RULE 3018-1. BALLOTS - VOTING ON PLANS**

(a) Filing Tally of Ballots. The tally of ballots in chapter 11 cases shall be filed with the Clerk no later than the third business day prior to the confirmation hearing. It shall substantially conform to any format prescribed by the Court, and under the case number shall conspicuously appear the date and time

## **RULE 3018-1**

of the confirmation hearing. A copy shall be brought to the confirmation hearing.

(b) Retention of Ballots. The ballots shall be retained by the proponent of the plan, including after being received into evidence at the confirmation hearing as an exhibit.

## **RULE 3022-1. FINAL REPORT/DECREE IN CHAPTER 11 CASE**

Within six (6) months of confirmation or such other time as the Court shall decree, the entity responsible for making distributions under a confirmed chapter 11 plan shall file a Final Report and motion for Final Decree in accordance with the form available in the Clerk's office.

## **PART IV**

### **THE DEBTOR: DUTIES AND BENEFITS**

## **RULE 4001-1. AUTOMATIC STAY - RELIEF FROM**

(a) Title; Requirement of Separate Motion. Each motion under 11 U.S.C. ' 362(d) for relief from the automatic stay shall be filed separately from any other motion. The title of the motion shall clearly identify it as a motion for relief from the automatic stay and shall include a specific identification of any property involved, with street address of real property and make and model of motor vehicle or other tangible personal property.

(b) Discovery in Automatic Stay Litigation. The time to respond to a motion to shorten the time for responses to discovery requests shall be five (5) days, but conspicuous notice of that response time shall be included with the motion.

## RULE 4001-1

(c) Order Governing Proceeding. Upon the filing of a motion for relief from the automatic stay, the Clerk shall issue an order or notice governing the course of the proceedings pursuant to a standing order.

(d) Default Judgment. In a chapter 7 case, when the movant seeks to enforce a security interest in collateral, no default judgment shall be entered against the Chapter 7 Trustee unless the movant has at least five (5) days beforehand (1) served on the Chapter 7 Trustee evidence of perfection of the security interest and an explanation of the value of the collateral; and (2) filed a certificate of such service, which may be included in the certificate of service of the motion. LBR 7055-1 sets forth additional requirements for default judgment motions.

(e) Cross-References. LBR 9013-1 sets forth the general requirements for motions which are applicable as well to "lift stay" motions. LBR 5070-1, 5071-1 and 9073-1 govern hearings. LBR 9014-1 makes certain Part VII (Adversary Proceedings) rules applicable.

*NOTE: Paragraph (a) facilitates the Clerk's tasks of complying with the requirement under 11 U.S.C. ' 362(e) that lift stay hearings be set within thirty (30) days of the filing of the motion and making the Clerk's docket entry clearly reflect what the motion concerns. Copies of the standing order referred to in paragraph (c) are available from the Clerk's office. Paragraph (d) contemplates that the movant will provide the Chapter 7 Trustee with (1) a title*

## **RULE 4001-1**

*report or some other evidence of a perfected security interest and (2) an explanation of the property's value. With respect to explaining value, the movant might rely on a tax assessment, a debtor's own valuation of the property, a real estate agent's market analysis, or an actual appraisal.*

### **RULE 4003-1. EXEMPTIONS**

(a) Any party objecting to exemptions shall file a certificate of service reflecting service of a copy of the objection to exemptions and memorandum in support, if any, and the proposed order required by LBR 9072-1 upon the debtor, the debtor's counsel and the U.S. Trustee. The objection shall advise the debtor conspicuously that:

(1) within fifteen (15) days of service of the objection, the debtor shall file and serve an opposition to the objection, which may include supporting documents and other evidence, together with the proposed order required by LBR 9072-1;

(2) an interested party may request a hearing, which may be held in the Court's discretion; and

(3) if no opposition is filed, the Court may sustain the objection.

(b) Notice is sufficient if substantially in the form of Local Official Form No. 7.

(c) Cross-References. For the effect of the debtor's failure to attend a meeting of creditors on computing the bar date for objecting to exemptions, see LBR 2003-1(c). LBR 5070-1, 5071-1 and

## **RULE 4003-1**

9073-1 govern hearings on objections to exemptions. LBR 9014-1 makes certain Part VII (Adversary Proceedings) rules applicable.

### **RULE 4004-2. OBJECTIONS TO DISCHARGE**

(a) Dismissals. Dismissals of adversary proceedings in which there has been an objection to discharge are governed by LBR 7041-1.

(b) Cross-Reference. For the effect of a debtor's failure to appear at the meeting of creditors on the bar date for filing a complaint objecting to discharge, see LBR 2003-1(b).

## **PART V**

### **COURT AND CLERK**

#### **RULE 5001-2. CLERK - OFFICE HOURS**

The Office of the Clerk of Court shall remain open for the transaction of business from 9:00 a.m. until 4:00 p.m. daily except Saturdays, Sundays and legal holidays, and except for closings for administrative purposes. For filing of papers when the Clerk's Office is closed, see LBR 5005-1(a).

#### **RULE 5003-2. COURT PAPERS - EXAMINATION AND REMOVAL OF**

(a) Examination of Papers in Public Area of Clerk's Office.

Papers, documents or records in any case or proceeding and docket sheets, other than those held under seal, shall be subject to examination by the public at the Clerk's office, during public hours, without charge, as provided by 11 U.S.C. ' 107. When the Clerk submits to a member of the public such paper, document or record for review, the Clerk may require a receipt.



## RULE 5001-2

(b) Removal of Records. No paper, document or record filed in a case or proceeding and no docket sheet may be removed from the Clerk's office without the permission of the Clerk.

### **RULE 5004-1. DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL MATTERS**

Local District Court Rule 109 applies to adversary proceedings and contested matters in the Bankruptcy Court, with the required certificate to be filed in contested matters with a party's paper commencing the contested matter or a party's paper opposing the relief sought in the contested matter.

*NOTE: To protect the Court where sua sponte recusal is required, Local District Court Rule 109 requires each party and intervenor to file a certificate listing any parent, subsidiary or affiliate of that party or intervenor which, to the knowledge of counsel, has any outstanding securities in the hands of the public. It provides, in relevant part:*

*In all civil ... cases where a corporation is a party ..., counsel of record for that party ... shall file a certificate listing any parent, subsidiary or affiliate of that party ... which, to the knowledge of counsel, has any outstanding securities in the hands of the public. Such certificate shall be filed at the time the party's first pleading is filed.... Counsel shall have the continuing obligation to advise the Court of any change. The form of the certificate is:*

*\*\*\**

*I, the undersigned, counsel of record for \_\_\_\_\_, certify that to the best of my knowledge and belief, the following are parent companies, subsidiaries or affiliates of \_\_\_\_\_ which have any outstanding securities in the hands of the public.*

*(Here list all such parent companies, subsidiaries and affiliates of the corporation.)*

*These representations are made in order that judges of this Court may determine the need for recusal.*

**RULE 5004-1**

Attorney of Record for \_\_\_\_\_

**RULE 5005-1. FILING PAPERS - REQUIREMENTS**

(a) Place and Manner of Filing. All papers required to be filed in a case or proceeding therein shall be filed with the Clerk unless otherwise directed by the Court. Documents that must be filed when the Clerk's office is not open may be delivered to the security desk at the John Marshall Park entrance to the Courthouse and will be deemed filed as of the date and time delivered to the security desk except in the case of a petition unaccompanied by the required filing fee. Documents that are being filed under seal pursuant to a protective order must be filed in the Clerk's Office during business hours.

(b) Correspondence With the Court. Except when requested by a judge, correspondence shall not be directed by the parties or their attorneys to a judge, nor shall papers be left with or mailed to a judge for filing.

(c) Number of Copies. Except as otherwise provided by these Rules (LBR 1002-1 and 1007-1) or as directed by the judge, only an original of each paper filed should be filed, but if the submitter believes that the papers present unusual legal issues or lengthy facts making it advisable for the judge to have a copy or that other circumstances warrant it, one copy -- marked "Copy For Judge" in the bottom right-hand corner -- may be submitted.

(d) Electronic Transmission. No papers shall be transmitted to

## **RULE 5005-1**

the Clerk for filing by means of electronic facsimile transmission except with express leave of Court.

(e) Form of Pleadings and Other Papers. All papers submitted for filing shall be in black typographical print (doubled spaced except for quotations) on opaque white paper, 8-1/2 inches wide by 11 inches long, unfolded, without back or cover, and fastened at the top left corner only. Papers shall be punched at the top with two holes, 2 3/4 inches apart and 3/8 inch from the top. All exhibits or attachments to papers shall reflect the number of the case or, if applicable, adversary proceeding in which they are filed.

(f) Style. All papers filed shall bear the caption required by the Official Bankruptcy Forms. Under the caption the paper shall contain a heading describing the nature of the pleading, motion or other paper. When a paper relates to a matter for which a hearing has been scheduled, the date of the hearing, if known, shall be noted in the caption underneath the adversary proceeding number or (if not an adversary proceeding) underneath the case number. See, for example, Local Official Forms No. 1 and 2.

(g) Names, Addresses and Telephone Numbers of Entities and Attorneys. Papers filed by an entity not represented by counsel shall contain the name, full residence or business address and telephone number of the entity filing the paper. If an entity is represented by an attorney, all papers signed by the attorney shall include the name, office address, telephone number and bar identification number of the attorney. In each pending adversary

## RULE 5005-1

proceeding and contested matter (and in the case itself if counsel is representing a party generally in the case) notice requesting the Clerk to note a change in address or telephone number of an attorney or entity must be filed and served on all interested parties within ten (10) days after the change. The address and telephone number of an entity or attorney, either as noted on the first paper filed, or as changed by notice under the preceding sentence, may be conclusively deemed to be the last known address and telephone number of such entity or attorney in the particular adversary proceeding or contested matter in which such paper is filed.

### (h) Proof of Service.

(1) Requirement of Filing. Proof of service of papers required or permitted to be served, other than those for which a different method of proof is prescribed by these Rules, the Federal Rules of Bankruptcy Procedure, or by statute, shall be filed in the form of a certificate of service with such papers.

(2) Requirement of Service of Certificate. In the case of papers served in an adversary proceeding after the initial complaint or in a contested matter (including discovery requests and other materials not required to be filed), the certificate shall be served with the paper served. In the case of a notice, plan, or disclosure statement required to be served on the debtor, creditors, indenture trustees, committees, or equity security holders (for example, under F.R. Bankr. P. 2002, 3015(g), 3017(d)(3), 4001, 6006(c), and 6007(a)), the certificate of service

## RULE 5005-1

need only be filed and not served, but the papers served shall indicate the date of the notice to allow computation of any deadline arising from the service of the papers.

(3) Form of Certificate. The proof shall show the date and manner of service, the names and addresses of persons served, including where applicable whom they represent. The proof shall be by certificate of an identified attorney of record (including an attorney filing papers under Local District Court Rule 104(c)), by a named member in good standing of the bar of this Court (with an indication of the attorney's bar identification number) or by an affidavit or a certificate under penalty of perjury pursuant to 28 U.S.C. ' 1746 which identifies the signer. Failure to make proof of service does not affect the validity of service. The Court may at any time allow the proof to be amended or supplied, unless to do so would unfairly prejudice a party.

(i) Cross-References. For the requirement of filing a proposed order with papers, see LBR 9072-1. For special filing requirements relating to the petition and to the lists, schedules and statements, see, respectively, LBR 1002-1 and 1007-1. For special requirements regarding the captioning of motions for relief from the automatic stay, see LBR 4001-1(a). For the prohibition against combining multiple motions in the same document, see LBR 9013-1(a).

*NOTE: LBR 5005-1 addresses issues covered by Local District Court Rules 106 and 110.*

*Paragraph (c) contemplates providing a copy of a filing for the judge only in rare instances instead of submitting a copy automatically and counts on attorneys using their common sense as to when a chambers copy would be helpful for the judge -- in*

## RULE 5005-1

routine cases, an unnecessary chambers copy can be a nuisance.

Paragraph (f) is designed to assist the Clerk in assuring that papers filed shortly before a hearing will be docketed and placed in the file jacket before the hearing.

Paragraph (g) emphasizes the necessity of noting a change of address in each separate contested matter or adversary proceeding: filing a notice just generally in the case will not suffice -- for example, the change would not be reflected in any adversary proceeding.

Paragraph (h) is a modification of Local District Court Rule 110. It specifies when a certificate of service should be served with a paper served (including non-filed discovery materials). It also specifies how someone other than an attorney of record (or an attorney who is a member in good standing of the bar of the district court) may certify service of a paper, a matter of some critical importance in bankruptcy cases because contested matters are commenced without a summons and notices of opportunity to object to certain sales or abandonment are also served without a summons. With respect to documents executed within the United States, 28 U.S.C. ' 1746 provides that in lieu of an affidavit it suffices to submit a writing subscribed by the person as true under penalty of perjury, and dated, in substantially the following form:

I declare (or certify, verify, or state) under  
penalty of perjury that the foregoing is true and  
correct. Executed on (date).

(Signature)

(In the case of documents executed outside the United States,  
the form is: ~~I~~ declare (or certify, verify, or state) under  
penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct. Executed on (date)@  
followed by the signature.)

## RULE 5070-1. CALENDARS & SCHEDULING

(a) Optional Scheduling of Motion, Application or Objection  
for Hearing. Instead of awaiting the setting of a hearing by the  
Court, a party may obtain a hearing date on a motion, application,  
or objection, subject to the power of the Court to decide the

## RULE 5070-1

matter on the papers in advance, if the movant: (1) first, submits to the Clerk a request for a hearing on Local Official Form No. 1 and obtains a hearing date from the Clerk's office; (2) within three (3) days of notification of the hearing date, files in duplicate, a separate notice of said scheduled hearing and (3) sends a copy of the notice to all required parties in accordance with the notice time periods required by the Federal Rules of Bankruptcy Procedure and these Rules. The notice of hearing shall be substantially as set forth in Local Official Form No. 2. In addition, the Clerk may post in the Clerk's office dates that are available for hearings and the terms under which such dates may be used for hearings.

(b) Emergency Matters. When any motion or application or objection requires the Court's immediate attention, or an immediate hearing, the movant shall file a separate one-sentence Praecipe Re Emergency Matter (preferably on red paper) stating "The attached motion [or application or objection] requires a ruling by the Court no later than [insert date] for reasons set forth in [insert name of document explaining reasons]" or "The attached motion [or application or objection] requires a hearing before [insert date] for reasons set forth in [insert name of document explaining reasons]." The movant shall explain the reasons an emergency exists in the motion or application or objection itself or in a motion for an emergency hearing or ruling. Frivolous assertions of an emergency may result in sanctions under F.R. Bankr. P. 9011.

## **RULE 5070-1**

*NOTE: The last sentence of LBR 5070-(1)(a) would allow the Clerk the flexibility to post a forthcoming motions hearing date. In accordance with the terms posted by the Clerk, a movant could give notice that its motion would be heard on that date.*

### **RULE 5071-1. CONTINUANCES**

(a) Motions for continuances. Motions for continuances must be in writing, filed before the scheduled hearing, and filed only with a recital that the party has attempted to contact all other parties for their consent. The date of the scheduled hearing shall be set forth in the caption, as required by LBR 5005-1(f), and in the title of the motion. The motion shall state whether any previous requests for continuance have been made or granted and for what date the hearing was first scheduled. The movant is requested to state the dates on which the parties will be unavailable for a continued hearing. Any such motion must contain a certificate of service indicating service on the interested parties on or before the date of filing. All counsel and any pro se parties must appear at the scheduled hearing unless notified that the continuance was granted.

(b) Oral Continuances. Continuances requested orally at the time of a scheduled hearing will be granted only for good cause shown. However, when all parties have agreed to a continuance, to a date suitable to the Court, of a hearing on a motion for relief from the automatic stay, confirmation of a chapter 13 plan (but only the debtor and all parties who have timely objected to the plan need to have agreed to the continuance), or a chapter 13



## **RULE 5071-1**

motion to dismiss, the Court will grant a continuance and only one party need appear to request the continuance unless the Court has previously directed that further continuances will not be automatic.

(c) Continuances Based on Settlements. A matter may in the Court's discretion be taken off the Court's calendar because a settlement has been reached, but only (1) on written motion filed at least 24 hours before the scheduled hearing reciting that a written settlement signed by all parties and resolving all issues has been reached or (2) by representations of all counsel and any pro se parties in open court at the time of the scheduled hearing. Thereafter, a stipulation of settlement or proposed consent order must be submitted within ten (10) days after the previously scheduled hearing date, or such other time as the Court allows.

(d) Counsel's Availability on Possible Continued Hearing Dates. Whenever an attorney appears at a hearing in the Bankruptcy Court, the attorney shall have a calendar of future engagements in order to assist the Court in fixing any continued hearing date.

(e) Meeting of Creditors. Continuance of meetings of creditors is governed by LBR 2003-1.

## **PART VI**

### **COLLECTION AND LIQUIDATION OF THE ESTATE**

#### **RULE 6004-1. USE, SALE, OR LEASE OF ESTATE PROPERTY**

(a) Notices of Use, Sale, or Lease. In addition to the information required by F.R. Bankr. P. 2002(c) and LBR 2002-1

## RULE 5071-1

(concerning notices in general) notices of private sale out of the ordinary course of business must include:

(1) the appraised value of the asset being sold if an appraisal has been performed, the date of the appraisal, and the name and address of the appraiser;

(2) if no appraisal has been performed, the scheduled value of the asset proposed to be sold;

(3) the purchaser's identity;

(4) the relationship, if any, between the purchaser and the debtor, the trustee, or any other party in interest; and

(5) all consideration paid and to be paid by the purchaser and the terms of payment.

Notice of a proposed agreement out of the ordinary course of business for the lease or use of property of the estate shall include similar information.

### (b) Uses, Sales, or Leases Authorized Without Court Order.

Uses, sales, or leases out of the ordinary course of business which do not require a motion shall be deemed automatically authorized upon expiration of the notice period if no written objections have been filed with the Clerk. Notice of such a use, sale, or lease is sufficient if substantially as set out in Local Official Form No. 5. Any party in interest may request a certification by the Clerk that no objections to the notice have been filed, for which a certification fee shall be charged.

### (c) Buyer's Premium. Any buyer's premium, break-up fee,

#### **RULE 6004-1**

topping fee, or similar arrangement shall be prohibited, unless Court approval is obtained.

(d) Documentation of Sales. Every auctioneer shall annex to the auctioneer's bills an itemized statement of the property sold, with serial numbers, engine numbers, names of machinery and equipment, and descriptions wherever possible to distinguish one article from another; and the name of each purchaser and the price received for each item or lot, or for the property as a whole if sold in bulk, together with an affidavit to the effect that the auctioneer has not paid and will not pay, directly or indirectly, anything to anyone for employing or for aiding in securing the employment of the auctioneer to make such sale, and that no payments have been made, or will be made by the auctioneer, in connection with such sale, except those set forth in detail in said bill or statement.

#### **RULE 6005-1. APPRAISERS & AUCTIONEERS**

Compensation of auctioneers is governed by LBR 2016-1. Documentation an auctioneer must submit regarding sales is set forth in LBR 6004-1(d).

#### **RULE 6007-1. ABANDONMENT AND 11 U.S.C. ' 725 DISPOSITIONS**

(a) Abandonment by Notice - Generally. A notice of a proposed abandonment or disposition given pursuant to F.R. Bankr. P. 6007(a), or a motion requiring the trustee or debtor-in-possession to abandon property of the estate, shall describe the property with specificity and state the justification for the abandonment. LBR

## **RULE 6004-1**

2002-1 governs the form of notice.

(b) Effect of Lack of Objection. If no objection is timely filed under F.R. Bankr. P. 6007(a) to a notice of a proposed abandonment (or disposition) of property of the estate, the property shall be deemed abandoned (or the disposition authorized) without the necessity of Court order.

(c) Abandonment Other than by Notice. A motion to require abandonment filed pursuant to F.R. Bankr. P. 6007(b) shall be served by the movant upon all parties entitled to notice under F.R. Bankr. P. 6007(a).

(d) Cross-References. LBR 5070-1, 5071-1 and 9073-1 govern hearings. LBR 9013-1 sets forth requirements applicable to all motions. LBR 9014-1 makes certain Part VII (Adversary Proceedings) rules applicable.

## **RULE 6070-1. TAX SETOFFS & TAX REFUNDS**

(a) Refunds. Unless otherwise directed by the trustee or ordered by the Court, Federal and state and local tax authorities are authorized to make income tax refunds, in the ordinary course of business, directly to debtors in chapter 7, 12, and 13 cases, except that in chapter 7 cases no refunds shall be made to a debtor within the first sixty (60) days after a petition has been filed.

(b) Setoffs. A Federal or a state or local tax authority is authorized without order of the Court to set off a tax overpayment against tax claims if:

(1) the authority files and serves on the debtor, the debtor's

## **RULE 6070-1**

attorney and the trustee a proof of claim for taxes and accruals that have not been disputed or disallowed in any court;

(2) the proof of claim shows the right of setoff which the authority claims and which is the setoff to be made; and

(3) within twenty (20) days after filing of the proof of claim, the debtor or trustee has not filed and served on the authority at the address on the proof of claim an objection to the claimed right of setoff.

*NOTE: The purpose of LBR 6070-1 is to avoid the burden on both the bankruptcy system and the tax system of constant filings concerning tax refunds and setoffs of tax overpayments against tax claims.*

## **PART VII**

### **ADVERSARY PROCEEDINGS**

#### **RULE 7004-1. SERVICE OF PROCESS**

The question of when an attorney is deemed to be representing the debtor for purposes of F.R. Bankr. P. 7004(b)(9) is governed by LBR 9010-1(d).

#### **RULE 7015-1. AMENDED PLEADINGS**

Local District Court Rule 108(i) applies in the Bankruptcy Court.

*NOTE: Local District Court Rule 108(i) (Motions to Amend Pleadings) provides:*

*A motion for leave to file an amended pleading shall be accompanied by an original of the proposed*

## **RULE 7026-1**

*pleading as amended. The amended pleading shall be deemed to have been filed and served by mail on the date on which the order granting the motion is entered.*

### **RULE 7016-1. PRETRIAL PROCEDURES**

The contents of the parties' pretrial statements shall be specified by the Court's scheduling order.

*NOTE: The Court's standard scheduling order roughly follows Local District Court Rule 209(b) and is available from the Clerk's Office.*

### **RULE 7024-1. INTERVENTION**

Local District Court Rule 108(j) applies in the Bankruptcy Court.

*NOTE: Local District Court Rule 108(j) (Motion to Intervene) provides:*

*A motion to intervene as a party pursuant to Rule 24(c), Federal Rules of Civil Procedure, shall be accompanied by an original of the pleading setting forth the claim or defense for which intervention is sought. The pleading shall be deemed to have been filed and served by mail on the date on which the order granting the motion is entered.*

### **RULE 7026-1. DISCOVERY - GENERAL**

(a) Form of Responses to Written Discovery. Local District Court Rule 207(d) applies to discovery in this Court.

(b) Nonfiling of Certain Discovery Materials. Local District

## RULE 7026-1

Court Rule 107 applies to all contested matters and adversary proceedings.

(c) Motions to Compel Discovery and Other Discovery Disputes: Conference of Counsel Required. Counsel (including any pro se party) shall confer with one another concerning a discovery dispute (other than a failure to respond at all to written discovery or a failure to appear for deposition) and make sincere attempts to resolve the differences between them. The Court will not consider any discovery motion unless the moving party has filed a certificate reciting (1) the date and time of the discovery conference, the names of all persons participating therein and any issues remaining to be resolved, or (2) the moving party's attempts to hold such a conference without success.

(d) Application of Provisions of F.R. Civ. P. 26(a). Unless otherwise ordered by this Court, all bankruptcy contested matters and adversary proceedings are exempted from the provisions set out in F.R. Civ. P. 26(a)(1), 26(a)(3) and 26(d), and contested matters are exempted from the provisions set out in F.R. Civ. P. 26(a)(3).

(e) Application of Provisions of F.R. Civ. P. 26(f). The requirement for a meeting of the parties set out in F.R. Civ. P. 26(f) applies, but the parties may confer by telephone.

(f) Cross-Reference. For the shortening of discovery response times with respect to motions for relief from the automatic stay, see LBR 4001-1(d).

*NOTE: Local District Court Rule 207(d) provides:*

**(d) FORM OF RESPONSES TO INTERROGATORIES AND**

## **RULE 7026-1**

### **REQUESTS FOR ADMISSIONS OR PRODUCTION OF DOCUMENTS.**

Answers, responses and objections to interrogatories and requests for admissions or for production of documents and motions to compel answers or responses, shall identify and quote each interrogatory or request in full immediately preceding the answer, response or objection thereto.

Local District Court Rule 107 provides:

### **FILING OF DISCOVERY REQUESTS AND RESPONSES**

#### **(a) NONFILING OF DISCOVERY MATERIALS.**

Except as otherwise provided by this Rule, interrogatories, depositions, requests for documents, requests for admissions, and answers and responses thereto shall be served upon other counsel and parties but shall not be filed with the Clerk except upon order of the Court as required below. The party responsible for service of the discovery material shall retain the original and become its custodian and, with respect to depositions, the deposing party shall retain the original deposition and become its custodian and shall make it available for inspection by any party to the action upon request. The Court may in its discretion order that all or any portion of discovery materials in a particular case be filed with the Clerk.

#### **(b) FILING OF DISCOVERY MATERIALS WITH MOTIONS AND AT TRIAL.**

Any motion concerning discovery matters shall be accompanied by a copy of, or shall set forth verbatim, the relevant portion of any non-filed discovery materials to which the motion is addressed. Discovery materials may be used and filed as exhibits or evidence in support of any motion or at a trial or evidentiary hearing in accordance with the Federal Rules of Evidence.

#### **(c) FILING FOR PURPOSE OF APPEAL.**

When discovery materials not previously in the record are needed for the purpose of an appeal, they may be filed with the Clerk by stipulation of counsel or upon application to and order of the Court.

## **RULE 7030-1. DEPOSITIONS**



## **RULE 7026-1**

(a) Smoking During Depositions Prohibited. Unless all persons present otherwise agree, smoking is prohibited in the room in which a deposition is being taken.

(b) Minimum Time for Serving Notice of Deposition. Local District Court Rule 208 applies to the Bankruptcy Court.

*NOTE: Local District Court Rule 208 provides:*

### ***SERVICE OF NOTICE OF DEPOSITION***

*Service of a notice of deposition five days in advance of the date set for taking the deposition shall constitute "reasonable notice" to a party as required by Rule 30(b), Federal Rules of Civil Procedure, unless the deposition is to be taken at a place more than 50 miles from the District of Columbia, in which case 11 days shall constitute reasonable notice. The computation of time under this Rule shall be governed by Rule 6, Federal Rules of Civil Procedure. The Court may enlarge or shorten the time on application of a party for good cause shown. Nothing in this Rule modifies the provision in Rule 32(a), Federal Rules of Civil Procedure, prohibiting the use of depositions against certain parties who with due diligence are unable to obtain counsel to represent them, or against parties with less than 11 days notice who file a motion for protective order.*

## **RULE 7041-1. DISMISSAL OF ADVERSARY PROCEEDING**

(a) Dismissal of Complaint Objecting to Debtor's Discharge. An

## RULE 7030-1

adversary proceeding initiated by a complaint objecting to the discharge of the debtor shall be dismissed at the plaintiff's instance only by motion and not by stipulation or notice and only if (1) the debtor and the debtor's attorney, or the plaintiff and the plaintiff's attorney, file affidavits stating any consideration promised in any way to the plaintiff in exchange for the withdrawal of the objection to discharge and (2) the plaintiff has mailed a notice to all creditors and other parties in interest in the bankruptcy case giving them an opportunity to object within twenty (20) days of the mailing of such notice.

(b) Dismissal for Failure to Prosecute. Local District Court Rule 211 applies to adversary proceedings in the Bankruptcy Court.

*NOTE: This Rule contemplates notice similar to the notice required in the case of In re Short, 60 B.R. 951 (Bankr. M.D. La. 1986), except that no notice is to be given suggesting that a creditor has an automatic right to be substituted as the plaintiff. For example, the trustee may have settled the objection to discharge and if the Court determines that the settlement is in the best interest of creditors, a creditor's request to be substituted as the plaintiff would not be granted. The Rule also preserves for adjudication in the adversary proceeding itself, instead of by local rule, any argument by the debtor that the bar date for objecting to discharge precludes a creditor from being substituted as the plaintiff.*

Local District Court Rule 211 (Dismissal for Failure to Prosecute) provides:

*A dismissal for failure to prosecute may be ordered by the Court upon motion by an adverse party or upon the Court's own motion. An order dismissing a claim for failure to prosecute shall specify that the dismissal is without prejudice, unless the Court determines that the*

## **RULE 7030-1**

*delay in prosecution of the claim has resulted in prejudice to an opposing party.*

### **RULE 7054-1. COSTS - TAXATION/PAYMENT**

F.R. Civ. P. 54(d)(2) and Local District Court Rules 214 (Taxation of Costs) and 215 (Determination of Attorney=s Fees) apply in adversary proceedings except that the last sentence of F.R. Civ. P. 54(d)(2)(D) does not apply and these provisions shall not apply to claims for fees and expenses as sanctions for violation of the Federal Rules of Bankruptcy Procedure (including F.R. Bankr. P. 9011).

*NOTE: F.R. Civ. P. 54(d)(2), a 1993 F.R. Civ. P. amendment, is not incorporated by F.R. Bankr. P. 7054, but is the Rule that sets a deadline for seeking attorney=s fees and nontaxable expenses. Local District Court Rule 214(a) requires that a bill of costs must be filed within 20 days after entry of judgment terminating the case as to the party seeking costs,@ but Rule 214(f) allows the bill to be delayed to any extended date for the filing of a motion for attorney=s fees pursuant to an order under Rule 215(a). Rule 214(b) requires an opposition within eleven (11) days after service of the bill. Rule 214(c) governs the timing of the Clerk=s acting on the bill and Rule 214(d) specifies taxable costs. Rule 214(e) requires an opposition to any motion to retax costs within eleven (11) days after service of the motion. Rule 215 allows the Court at the time of entry of the final judgment to enter an order regarding*

## **RULE 7054-1**

*the course of proceedings for the recovery of any attorney's fees; otherwise, the deadline of Rule 54(d)(2)(B) applies, namely, fourteen (14) days after entry of judgment. The provisions of Rule 215 apply only to recovery of fees from a party to an adversary proceeding. In contrast, this Rule does not cover the matter of an award from the estate of attorney's fees to a professional rendering services beneficial to the estate.*

### **RULE 7055-1. DEFAULT - FAILURE TO PROSECUTE**

(a) Motions to Vacate Default. Local District Court Rule 108(g) applies.

(b) Requirements for Default Motion. All motions for default judgment shall recite whether the opponent has appeared, either informally or formally, and be accompanied by any notice required by paragraph (c), and shall in the case of an individual be accompanied by a non-conclusory affidavit complying with the Soldiers' and Sailors' Civil Relief Act of 1940 ' 200, 50 U.S.C. Appendix, ' 520.

(c) Time for Response to Default Motion. When a party seeks default judgment against an entity who has made an appearance, conspicuous notice shall be given that an opposition may be filed within three (3) days of service of the motion. When an opponent has not appeared, no notice need be provided and the movant may request the Clerk to bring the motion to the Court's immediate attention.

*NOTE: Local District Court Rule 108(g) provides:*

## **RULE 7055-1**

### **(g) MOTIONS TO VACATE DEFAULT; VERIFIED ANSWER.**

A motion to vacate an entry of default, or a judgment by default, or both, shall be accompanied by a verified answer presenting a defense sufficient to bar the claim in whole or in part.

Under F.R. Civ. P. 55(b)(1) a party has "appeared" if the party has engaged in settlement negotiations or has mailed an acknowledgment of service. H.F. Livermore Corp. v. Aktiengesellschaft Gebruder Loepfe, 432 F.2d 689 (D.C. Cir. 1987); Practical Concepts, Inc. v. Republic of Bolivia, 811 F.2d 1543, 1546 n.6 (D.C. Cir. 1987) (dictum).

Affidavits under ' 200 of the Soldiers' and Sailors' Relief Act should be non-conclusory, reciting facts showing that the opponent is not in the military service, as defined in 50 U.S.C. Appendix ' 511(1). Government offices will apprise the public whether an individual identified by Social Security Number is in the military service.

## **RULE 7056-1. SUMMARY JUDGMENT**

Local District Court Rule 108(h) applies in the Bankruptcy Court except that the third sentence thereof shall be read as requiring compliance with the requirements of LBR 9013-1.

NOTE: Local District Court Rule 108(h) provides:

### **(h) MOTIONS FOR SUMMARY JUDGMENT.**

Each motion for summary judgment shall be accompanied by a statement of material facts as to which there is no genuine issue, which shall include references to the parts of the record relied on to support the statement. An opposition to such a motion shall be accompanied by a separate concise statement of genuine

## **RULE 7062-1**

*issues setting forth all material facts as to which it is contended there exists a genuine issue necessary to be litigated, which shall include references to the parts of the record relied on to support the statement. Each such motion and opposition must also contain or be accompanied by a memorandum of points and authorities required by sections (a) and (c) of this Rule. In determining a motion for summary judgment, the Court may assume that facts identified by the moving party in its statement of material facts are admitted, unless such a fact is controverted in the statement of genuine issues filed in opposition to the motion.*

### **RULE 7062-1. STAYS OF APPEALS**

Appeal Bond - Exemption From. The District of Columbia Government, or any political subdivision or any officer or agent thereof sued or suing in an official capacity, shall not be required, unless otherwise ordered by the Court, to post a supersedeas bond or other undertaking which includes security for the payment of costs on appeal.

### **RULE 7065-1. INJUNCTIONS**

Local District Court Rule 205(a), (c) and (d) apply in adversary proceedings.

*NOTE: Local District Court Rule 205(a), (c) and (d) provide:*

#### **(a) APPLICATIONS FOR TEMPORARY RESTRAINING ORDERS.**

*An application for a temporary restraining order*

## RULE 7065-1

shall be made in a motion separate from the complaint. The application shall be accompanied by a certificate of counsel, or other proof satisfactory to the Court, stating (1) that actual notice of the time of making the application, and copies of all pleadings and papers filed in the action to date or to be presented to the Court at the hearing, have been furnished to the adverse party; or (2) the efforts made by the applicant to give such notice and furnish such copies. Except in an emergency, the Court will not consider an ex parte application for a temporary restraining order.

\* \* \*

### **(c) APPLICATIONS FOR PRELIMINARY INJUNCTIONS.**

An application for a preliminary injunction shall be made in a document separate from the complaint. The application shall be supported by affidavits on which the plaintiff intends to rely. The opposition shall be served and filed within five days after service of the application for preliminary injunction, and shall be accompanied by all affidavits on which the defendant intends to rely. Supplemental affidavits either to the application or the opposition may be filed only with permission of the Court.

### **(d) HEARINGS ON APPLICATIONS FOR PRELIMINARY INJUNCTIONS.**

On request of the moving party together with a statement of the facts which make expedition essential, a hearing on an application for preliminary injunction shall be set by the Court no later than 20 days after its filing, unless the Court earlier decides the motion on the papers or makes a finding that a later hearing date will not prejudice the parties. The practice in this jurisdiction is to decide preliminary injunction motions without live testimony where possible. Accordingly, any party who wishes to offer live testimony or cross-examine an affiant at the hearing shall so request in writing 72 hours before the hearing and shall provide the Court and all other parties a list of the witnesses to be examined and an estimate of the time required. The Court may decline to hear witnesses at the hearing where the need for live testimony is outweighed by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. If practicable, the Court shall notify all parties of its ruling on the request to adduce live testimony one business day before the hearing.

## RULE 7067-1

### RULE 7067-1. REGISTRY FUND

(a) All moneys paid into the Court or received by the Clerk in any case or proceeding shall be deposited by the Clerk in the registry of the Court. Except when the Clerk determines in the case of an unclaimed distribution that the small amount of the distribution does not warrant it, all deposits in the registry of the Court shall be subject to the provisions of Local District Court Rule 216 (Court Registry Investment System) as though the reference in that Rule 216 to "Court" and "Clerk" are to the Bankruptcy Court and its Clerk.

(b) Any claimant entitled to withdraw such monies from the registry of the Court may, on motion filed and served on the United States Attorney and the U.S. Trustee and full proof of the right thereto, including in the case of unclaimed distributions deposited under 11 U.S.C. ' 347(a) notarized proof of identity, obtain an order directing payment to the claim.

*NOTE: Local District Court Rule 216 opts into the Court Registry Investment System, a vehicle for earning interest on registry deposits, subject to a fee equal to 10% of the interest earned. It additionally imposes an obligation of an order for the receipt of funds unless the statute requires deposit of funds without leave of court.@ Because 11 U.S.C. ' 347(a) requires deposits of unclaimed distributions by Chapter 7 and 13 Trustees without leave of Court, the requirement of an order does not apply to such deposits.*



## **RULE 9008-1**

### **PART VIII**

#### **APPEALS TO DISTRICT COURT**

##### **RULE 8000-1. APPEALS IN GENERAL; DESIGNATION OF RECORD**

Rules governing appeals to the District Court are contained in Title VI of the Local District Court Rules set forth in Appendix B hereto.

### **PART IX**

#### **GENERAL PROVISIONS**

##### **RULE 9008-1. PUBLICATION**

Local District Court Rule 113 applies in the Bankruptcy Court.

*NOTE: Local District Court Rule 113 (Publication and Proof Thereof) provides:*

*A notice relating to a proceeding that requires publication shall be published in The Daily Washington Law Reporter for the time fixed by statute or directed by the Court, in addition to any newspaper or periodical specifically designated by the Court. Publication shall be proved by affidavit of an officer or agent of the publisher, stating the dates of publication with an attached copy of the notice as published.*

##### **RULE 9010-1. ATTORNEYS - NOTICE OF APPEARANCE**

(a) Acts Not Constituting Entry of Appearance. The filing by an attorney of (1) a proof of claim, (2) F.R. Bankr. P. 2002(g) request, (3) acceptance or rejection of a plan, or (4) ballot for voting on the election of a trustee shall not constitute an entry

## RULE 9010-1

of appearance by the attorney requiring leave of Court to withdraw representation of the client and such withdrawal (for example, for purposes of the address for notices under F.R. Bankr. P. 2002(g)) may be noted by filing an amendment to the document.

(b) Entry of Appearance. The signing of any of the following by an attorney eligible to appear shall constitute an appearance with respect to the contested matter, adversary proceeding or other matter which the paper concerns: (1) a petition commencing a case, (2) a F.R. Civ. P. 7(a) pleading in an adversary proceeding, (3) a plan or disclosure statement, (4) an application for compensation or for reimbursement of expenses under F.R. Bankr. P. 2016(a), (5) an application to employ a professional person under F.R. Bankr. P. 2014(a), (6) a motion or objection commencing a contested matter or any opposition thereto, (7) a notice of abandonment or of a proposed sale under F.R. Bankr. P. 6007(a) or 6004(a) or (d), (8) a motion to dismiss or convert a case or a notice of conversion of a case under F.R. Bankr. P. 1017(d), and (9) a notice of appeal. Alternatively, an attorney eligible to appear may enter an appearance in a specified matter or matters by filing, and serving on affected parties, a written notice of the entry of an appearance listing the attorney's correct address, telephone number and bar identification number, and in matters other than an adversary proceeding, the specific matters for which an appearance is being made. Eligibility to practice before the Bankruptcy Court and to enter an appearance is governed by LBR 2090-1.

(c) Effect of Entry of Appearance on Requirements Regarding

## RULE 9010-1

Service on Client in Other Contested Matters or Adversary Proceedings. Except as provided by (d) and (e) below, such an appearance shall not impose additional requirements with respect to service of papers under F.R. Bankr. P. 7004 and 9014 in another party's initiating other adversary proceedings or contested matters against the attorney's client. The attorney may, however, apply for an order imposing such additional requirements.

(d) Effect of Entry of Appearance as Counsel for Debtor on Requirements Regarding Service Upon the Debtor. For purposes of determining whether an attorney is an attorney representing the debtor for purposes of F.R. Bankr. P. 7004(b)(9) (requiring that service on debtor include mailing to debtor's attorney), an attorney who has been authorized to represent the debtor only in an adversary proceeding or a contested matter or other limited matters shall nevertheless be deemed to be representing the debtor with respect to any matters related to the adversary proceeding or contested matter or other limited matters. When an attorney is deemed under paragraph (e) of this Rule to be representing the debtor on all matters, the attorney is deemed to be the debtor's attorney for purposes of F.R. Bankr. P. 7004(b)(9).

(e) Extent of Representation of Debtor Required by Entry of Appearance. This Rule governs how long an attorney must continue to represent a debtor or debtor-in-possession.

(1) General Rule. The filing of a petition in bankruptcy by an attorney on behalf of a debtor, or the subsequent entry of appearance on behalf of the debtor by an attorney shall constitute

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an entry of appearance on behalf of the debtor in all matters arising during the administration of the case, such as adversary proceedings and motions for relief from stay, until the case is closed.

(2) Exceptions. The following exceptions apply to paragraph (1).

(A) Allowable Withdrawal of Right by Motion Based on Limitation of Representation by Agreement. An attorney may file a statement under F.R. Bankr. P. 2016(b) reflecting a written agreement to reduce the scope of the representation of the debtor as long as the agreement meets the minimum scope of representation set forth below:

(i) In a case under chapter 7, representation of an individual debtor shall continue to the date of discharge (or denial of discharge) and continue as to any matter pending at the time of the discharge, except that representation may exclude adversary proceedings by written acknowledgment of the debtor filed with counsel's F.R. Bankr. P. 2016(b) Statement.

(ii) In a case under chapter 7, representation of a non-individual debtor shall continue until closing of the case.

(iii) In a case under chapter 11, representation of a debtor shall continue until entry of a Final Decree.

(iv) In a case under chapter 12 or 13,

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representation shall continue until the earlier of either: (A) one hundred and twenty (120) days after entry of an order confirming the debtor's plan; or (B) dismissal of the case and expiration of the time for seeking an enlargement of the time for taking an appeal.

(v) If a case is converted to a case under another chapter, the Rule under the latter chapter governs.

(This Rule governs all retainer agreements and makes ineffective any inconsistent provision therein unless otherwise ordered by the Court for cause.) When a F.R. Bankr. P. 2016(b) Statement reducing the scope of representation has been filed which complies with paragraphs (i) through (v) above, an attorney may file a motion under LBR 2091-1(b) to withdraw as of right, except as to pending contested matters and adversary proceedings, and serve the same on the debtor, the trustee, if any, and the U.S. Trustee.

(B) Withdrawal by Notice When Substitute Counsel Has Entered Appearance. An attorney for a debtor may file a notice of withdrawal under LBR 2091-1(a).

(C) Withdrawal by Motion for Cause. An attorney may file a motion to withdraw for cause under LBR 2091-1(b).

(D) Limited Appearance When Another Attorney Is Already Representing The Debtor Generally. When one attorney has already entered an appearance for the debtor and is representing the debtor as to all matters, another attorney

## RULE 9010-1

may limit representation to specific contested matters or adversary proceedings.

(f) Obligation of Debtor's Counsel to Attend Hearings. Counsel for a debtor shall attend all hearings relating to matters for which an appearance has been entered except that counsel need not attend a hearing if

(1) the client has expressly instructed counsel not to appear and counsel so notifies the Court and other counsel in writing in a timely manner before the hearing or

(2) the hearing concerns a motion for relief from the automatic stay, confirmation of a chapter 13 plan, or a chapter 13 motion to dismiss and the other parties have agreed to ask for a continuance under LBR 5071-1 and the Court has not previously announced that no further continuances will be granted.

(g) Notice to Creditors of Entry of Appearance as Attorney for Debtor. Except when the attorney has been authorized to make a limited appearance under (e) above, an attorney appearing for a debtor for the first time only after the order for relief shall file with the entry of appearance a notice to all creditors of the entry of the appearance.

(h) Withdrawal of Appearance. Withdrawal of an appearance is governed by LBR 2091-1.

*NOTE: This Rule and LBR 2091-1 are adapted from Local District Court Rule 201 and Md. L. Bankr. R. 5, but make substantive alterations thereto and elaborate upon the question of service on*

## RULE 9010-1

*an attorney as part of service on the client.*

### **RULE 9013-1. MOTION PRACTICE**

(a) Prohibition Against Multiple Requests for Relief in Same Motion Paper. Multiple requests for orders, except when sought as alternatives to each other, shall not be combined in the same written motion.

(b) General Procedure for Motions.

(1) Grounds and Proposed Order. All motions shall state with particularity the grounds therefor, shall set forth the relief or order sought, and shall be accompanied by a proposed order conforming with LBR 9072-1 and a certificate of service complying with LBR 5005-1(h).

(2) Optional Supporting Materials. There may be filed with each motion a brief memorandum of facts and law and supporting affidavits or documents entitling the movant to the relief claimed.

(3) Required Notice When Motion Commences A Contested Matter. Any motion commencing a contested matter shall include a notice conspicuously stating

(A) the deadline by which an objection, together with a proposed order setting forth the disposition requested, must be filed;

(B) where the objection must be filed;

(C) that if an objection is not timely filed the Court may grant the motion without further notice or a hearing;

(D) that if the objection states inadequate grounds for

## RULE 9013-1

denial, the Court may grant the motion without a hearing; and

(E) that parties may file with or append to their objection an opposing memorandum and such supporting affidavits or documents as would establish the elements for denying relief.

Notice is sufficient if in substantially the form of Local Official Form No. 3. No notice given shall compel an objecting party to attend a Court hearing in support of the objection unless otherwise ordered by the Court.

(4) Deadline For Objection. Within eleven (11) days of service of the motion (or such other time as provided by the Federal Rules of Bankruptcy Procedure), the party upon whom the motion is served shall file and serve an objection containing a complete specification of the factual and legal grounds upon which the motion is opposed, together with a proposed order setting forth the requested disposition.

(5) Default. If no objection is timely filed, the Court may grant the motion without a hearing. If the motion is one commencing a contested matter, default is governed by F.R. Bankr. P. 7055 and LBR 7055-1 (and in the case of "lift stay motions," LBR 4001-1(d)).

(6) Reply Memorandum. A reply memorandum may be filed within five (5) days after the date of service of the objection to the motion.

(7) Action On Motion If Grounds Inadequate. Except as otherwise provided by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure, the Court may grant or deny a motion on the



**RULE 9013-1**

papers without a hearing if the motion sets forth inadequate grounds for relief or if the objection sets forth inadequate grounds for denying the motion.

(c) Entities to be Served.

(1) In an adversary proceeding and in a contested matter already commenced, every motion shall be served as provided by F.R. Bankr. P. 7005.

## RULE 9013-1

(2) Every motion commencing a contested matter shall be served upon the parties against whom relief is sought as provided by F.R. Bankr. P. 9014 and 7004, the parties specified by F.R. Bankr. P. 9013, the U.S. Trustee when required by F.R. Bankr. P. 9034, and any other parties specified in the F.R. Bankr. P. (such as in F.R. Bankr. P. 4001). In addition, unless the Court orders otherwise, copies of the motion shall be transmitted to (A) the debtor, (B) the debtor's attorney (if any), (C) the U.S. Trustee in chapters 7 and 11, (D) all parties that to the movant's actual knowledge have asserted any concern as to or would be directly adversely affected by the outcome of the particular motion or have or claim any interest in (as opposed to an unsecured claim against) any property that is the subject of the motion; (E) counsel who has to the movant's actual knowledge been representing any party described in part (D); (F) chair and counsel for any appointed committees; and (G) the creditors or equity security holders who have served on the trustee or debtor-in-possession and filed with the Clerk a request that all notices be mailed to them.

(3) Motions under 11 U.S.C. ' 1121(d) to reduce or extend the periods of 11 U.S.C. ' 1121(b) and (c) (the exclusivity periods for filing a plan and gaining acceptances) shall be served on the persons specified in paragraph (2) above and if no committee of unsecured creditors has been appointed, the creditors listed on the list filed under F.R. Bankr. P. 1007(d).

(d) Cross-References. Special rules for motions for relief from the automatic stay are set forth in LBR 4001-1. LBR 5070-1, 5071-1 and 9073-1 govern hearings on motions. The subject of

## **RULE 9013-1**

emergency motions requiring the Court=s immediate attention or an emergency hearing is governed by LBR 5070-1(b). Proposed orders must be submitted with motions and objections as provided by LBR 9072-1. Exceptions to certain parts of this Rule apply under LBR 2004-1 to motions for Rule 2004 examinations. LBR 9014-1 makes certain Part VII (Adversary Proceedings) rules applicable.

*NOTE: LBR 9013-1(a) contemplates that motions seeking relief in the alternative, as in the case of a motion to dismiss or convert, may be filed in a single document. But motions for different forms of relief that are not in the alternative ought not be combined in a single document. This will better facilitate the Court's docketing and disposing of such motions.*

### **RULE 9014-1. CONTESTED MATTERS**

Rules 7004-1, 7026-1, 7030-1, 7041-1, 7054-1, 7055-1, 7056-1, 7062-1 and 7067-1 apply in contested matters. The other Rules of Part VII of these Rules apply to contested matters when directed by the Court. F.R. Bankr. P. 7005 governs service of papers filed after the papers initiating a contested matter.

### **RULE 9015-1. JURY TRIAL**

(a) Applicability of Certain Federal Rules of Civil Procedure. Rules 38, 39, and 47-51 F.R. Civ. P., and Rule 81(c) F.R. Civ. P. insofar as it applies to jury trials, apply in cases and proceedings, except that a demand made pursuant to Rule 38(b) F.R. Civ. P. shall be filed in accordance with F.R. Bankr. P. 5005.

(b) Voir Dire Examination. Counsel desiring questions propounded to the jury on voir dire examination shall submit the same in writing to the Court, with copies to opposing counsel,

## **RULE 9015-1**

prior to the commencement of the trial or at such earlier date as may be directed by the Court.

(c) Jury Selection, Communication With a Juror. Local District Court Rules 114 (Jury) and 115 (Communication With a Juror) apply in the Bankruptcy Court, with the Bankruptcy Court drawing upon the District Court's jury selection plan and Jury Office.

*NOTE: Paragraph (a) is identical to a F.R. Bankr. P. 9015 set forth in a September 1995 Preliminary Draft of Proposed Amendments to the Federal Rules of Bankruptcy Procedure, but not yet adopted. Paragraph (b) follows current Local Bankr. R. 6(e).*

*Local District Court Rule 114(a) governs jury selection; Rule 114(b) imposes a requirement of notification of settlement in jury cases and allows imposition of juror costs if notification is not given; and Rule 115 restricts parties and attorneys with respect to communicating with jurors.*

## **RULE 9029-1. LOCAL RULES - GENERAL**

Suspension of Rules. For good cause shown, the Bankruptcy Court may suspend the requirements or provisions of any of these Rules in a particular case or proceeding, on the motion of a party or upon its own motion, and may enter such other orders as are appropriate.

*NOTE: LBR 9029-1 is adapted from Md. L. Bankr. R. 52.*

## **RULE 9029-2. LOCAL RULES - GENERAL ORDERS**

Standing Orders. The Bankruptcy Court may issue standing orders to the Clerk's office affecting procedures which that office shall follow generally unless ordered otherwise. Such standing orders shall be available for public inspection.

*NOTE: LBR 9029-2 reflects a long-standing practice of issuance*

## **RULE 9029-2**

*of standing orders to the Clerk to act in a set fashion on certain procedural matters arising in cases. Such standing orders are in the nature of internal directives and do not impose obligations on parties. But pursuant to them the Clerk may issue notices or orders on behalf of the Court which do fix rights or obligations. For example, one standing order instructs the Clerk to give creditors in chapter 11 cases notice that the bar date for filing proofs of claim is the date that is one hundred (100) days after the first date set for the meeting of creditors under 11 U.S.C. ' 341.*

### **RULE 9029-3. LOCAL RULES - DISTRICT COURT**

(a) Non-Applicability of Local Bankruptcy Rules to District Court. These Local Bankruptcy Rules do not govern proceedings pending in the District Court except as may be expressly provided by the District Court by rule or directive.

(b) Effect of Amendment of Local District Court Rules. The Local District Court Rules made applicable by these Rules shall be the Local District Court Rules in effect on the effective date of these Rules and as thereafter amended, unless otherwise provided by such amendment or by these Rules.

(c) Local District Court Rules Applicable to Bankruptcy Court. In addition to Local District Court Rules made applicable to the Bankruptcy Court by other provisions of these Rules, the following Local District Court Rules shall apply to bankruptcy cases and proceedings in the Bankruptcy Court:

(1) Rule 103 (Photography, tape recording and broadcasting in the courthouse);

(2) Rule 119 (Practice by law clerks and court employees); and

## RULE 9029-2

(3) Rule 410 (Complaints Against Judges).

(d) Meanings of Words in the Local District Court Rules When Applicable to these Rules. Unless the context otherwise indicates, references in the Local District Court Rules, other than Title VI, to "Action" or "civil action" shall mean case or proceeding (including contested matters and adversary proceedings), to "Clerk" shall mean Clerk of the Bankruptcy Court, to "Judge" shall mean Bankruptcy Judge, and to "Court" shall mean Bankruptcy Court.

*NOTE: LBR 9029-3(a) reflects that these Rules do not attempt to decide which of these Rules the District Court ought to make applicable after the District Court withdraws from the Bankruptcy Court the reference of a bankruptcy case or proceeding or when the District Court reviews a matter de novo. Such matters remain subject to the Federal Rules of Bankruptcy Procedure. See F.R. Civ. P. 81(a) and F.R. Bankr. P. 1001. The Local District Court Rules provide any further rules applicable to the withdrawn matter and the District Court can invoke F.R. Bankr. P. 9029(b) to regulate practice in the matter in a manner not inconsistent with any federal rules or local rules that do apply. The same applies to the handling of appeals in the District Court. See F.R. Bankr. P. 8018.*

*LBR 9029-3(b) reflects a philosophy followed in promulgating these Rules. As a unit of the District Court, the Bankruptcy Court has the same bar as the District Court, subject generally to the same rules of practice and discipline of attorneys. These Rules accordingly attempt to minimize the differences in practice between the District Court and the Bankruptcy Court.*

*These Rules reprint many of the incorporated Local District Court Rules as they read on the effective date of these Local Bankruptcy Rules, but the Clerk of the Bankruptcy Court makes available a dated supplement to reflect any later amendments. Bankruptcy cases and proceedings are subject to Title VI of the Local District Court Rules (relating to administration of the bankruptcy system), and to Title VII of those rules (relating to admission and discipline of attorneys). Title VI is reprinted in Appendix B hereto.*

*Local District Court Rules incorporated into these Rules with no or only minor changes include:*

<u>Local District Court Rule</u>	<u>LBR Analog</u>
Rule 104 (Practice by attorneys)	2090-1(a)
Rule 105 (Number of Counsel)	9073-1(a)
Rule 107(Filing of Discovery Requests and Responses)	7026-1(b)
Rule 108(g)(Motions to Vacate Default; Verified Answer)	7055-1(a)
Rule 108(h) (Motions for Summary Judgment)	7056-1

### **RULE 9029-3**

<i>Rule 108(i) (Motions to Amend Pleadings)</i>	7015-1
<i>Rule 108(j) (Motion to Intervene)</i>	7024-1
<i>Rule 109 (Disclosure of Corporate Affiliations, etc.)</i>	5004-1
<i>Rule 112 (Stipulations)</i>	9071-1
<i>Rule 113 (Publication)</i>	9008-1
<i>Rule 114 (Jury)</i>	9015-1(c)
<i>Rule 115 (Communication with Juror)</i>	9015-1(c)
<i>Rule 118 (Avoidance of conflicts in engagements of counsel)</i>	9073-1(d)
<i>Rule 201(c) (Withdrawal of Appearances by Motion)</i>	2091-1(b)
<i>Rule 201(d) (Ruling on Motion to Withdraw Appearance)</i>	2091-1(d)
<i>Rule 205(a) (Temporary Restraining Orders)</i>	7065-1
<i>Rule 205(c) (Applications for Preliminary Injunctions)</i>	7065-1
<i>Rule 205(d) (Hearings on Applications re Prelim. Injns.)</i>	7065-1
<i>Rule 207 (Form of Interrogatories and Requests for Admissions or Production of Documents)</i>	7026-1(a)
<i>Rule 208 (Service of Notice of Deposition)</i>	7030-1(b)
<i>Rule 211 (Dismissal for Failure to Prosecute)</i>	7041-1(b)
<i>Rule 212 (Custody of Exhibits)</i>	9070-1(f)& (g)
<i>Rule 214 (Taxation of Costs)</i>	7054-1
<i>Rule 215 (Determination of Attorneys Fees)</i>	7054-1
<i>Rule 216 (Court Registry Investment System)</i>	7067-1(a)

### **RULE 9029-3**

*Local District Court Rules not incorporated which nevertheless have analogs in these Rules, sometimes with significant differences, include:*

<u>Local District Court Rule</u>	<u>LBR Analog</u>
Rule 102 (Clerk's Office; Custody and Removal of Records)	5001-2; 5003-2
Rule 106 (Form and Filing of Pleadings and Other Papers)	
(a) Place and Manner of Filing	5005-1(a)
(b) Correspondence With Court	5005-1(b)
(d) Electronic Transmission	5005-1(d)
(e) Name and Address of Parties and Attorneys	5005-1(g)
(f) Form of Papers	5005-1(e) & (f)
(g) Attachments to Pleadings	5005-1(e)
(h) Verification	5005-1(h)(3)
Rule 108(a), (b), (d), (e) and (f)(Motions rules)	9013-1
Rule 108(c) & (k)(Proposed Order and Names of Persons to be Served With Proposed Orders, Judgments and Stipulations)	9072-1
Rule 110 (Proof of Service)	5005-1(h)
Rule 111 (Scheduling and Continuances)	5070-1 & 5071-1
Rule 201(a) (Entry of Appearance)	9010-1
Rule 201(b) (Withdrawal of Appearance by Notice)	2091-1

*Some of the Local District Court Rules made applicable to bankruptcy cases by these Rules are not reprinted for the reason that they will seldom be encountered (as in the rare event of a jury trial) or for other obvious reasons.*

*LBR 9029-3(c) is modeled after F.R. Bankr. P. 9002 (Meanings of Words in the Federal Rules of Civil Procedure When Applicable to Cases Under the Code@).*



## RULE 9070-1

### RULE 9070-1. EXHIBITS AND WITNESSES

#### (a) Pre-Numbering, Pre-Marking, and Pre-Listing Exhibits.

(1) Prior to any trial (including any hearing at which evidence is to be taken) exhibits to be offered at the trial (other than those created at trial) shall be numbered sequentially, with movant or plaintiff to use numbers and the respondent or defendant to use letters (A, B, C, etc., followed by AA, AB, AC, etc., then BA, BB, BC, etc.).

(2) All exhibits shall be marked prior to the trial with an exhibit sticker bearing the exhibit number and the case or adversary proceeding number.

(3) Prior to the trial the exhibits shall be listed sequentially by exhibit number on a Witness and Exhibit Record in substantially the form of Local Official Form No. 7; the list shall describe each exhibit by title and date.

(b) Listing Witnesses. Prior to any trial (including any hearing at which evidence is to be taken), each party shall set forth on the party's Witness and Exhibit List the full names of all witnesses the party intends to call if not earlier called by another party; a brief description of the testimony to be elicited from the witness; an estimate of the time the party will take in eliciting such testimony. Any expert witness shall be designated as such by including the designation "expert witness" after his or her name.

(c) Presentation of Witness and Exhibit Record and of Copies of Exhibits. At the commencement of the trial or evidentiary hearing, each party shall present to the courtroom clerk (1) the

**RULE 9070-1**

original of the party's Witness and Exhibit Record and (2) two copies of the party's exhibits.

(d) Numerous Exhibits. Whenever the exhibits in any trial or evidentiary hearing, to be presented by any party, exceed fifteen (15), the party intending to offer such exhibits shall place them in a binder or notebook, numbered and indexed, unless otherwise ordered by the Court.

(e) Retention of Witness and Exhibit Record. At the conclusion of the trial or evidentiary hearing, the clerk shall maintain the Witness and Exhibit Record with the sleeve for logs and tapes of electronic recordings for the last day the trial or hearing was conducted.

(f) Retention by Parties of Exhibits.

(1) Requirement of Retention. All exhibits offered by a party in a proceeding, whether or not received as evidence, shall be retained after trial by the party or the attorney offering the exhibit, unless otherwise ordered by the Court. The clerk shall note the return of exhibits on the Witness and Exhibit Record.

(2) Appeals. In the event an appeal is prosecuted, each party or attorney retaining exhibits shall, upon request of a party to the appeal, make a copy of any exhibit available to that requesting party at the usual and customary photocopying charge of the custodian party or attorney, or allow the requesting party temporarily to take custody of the exhibit to photocopy it. The originals of exhibits shall be retained by the parties, who shall make them available for use by the appellate court upon request.

(3) Period of Retention. After a judgment disposing of the

## **RULE 9070-1**

proceeding becomes final, each party or the party's attorney shall maintain custody of any exhibits for a period of at least thirty (30) days after the time for appeal has expired, or, in the event an appeal is pursued, for a period of at least thirty (30) days after any judgment not resulting in a remand has become final and the time for seeking further appellate or Supreme Court review has expired.

### **(g) Exhibits Retained by Clerk.**

(1) Thirty Day Period to Retrieve. When the clerk has kept custody of exhibits, the exhibits shall be removed by the parties who offered them within thirty (30) days after the time for appeal has expired, or in the event an appeal is pursued, within thirty (30) days after any judgment not resulting in a remand has become final and the time for seeking further appellate or Supreme Court review has expired.

(2) Disposition in Case of Apparent Failure Timely to Retrieve. If the clerk believes that a party has failed timely to retrieve exhibits from the clerk, the clerk may forward the exhibits to the counsel or party who offered them. Alternatively, the clerk may give the party or attorney notice of a 30-day opportunity to remove the exhibits and if the party or attorney fails to do so within thirty (30) days of the date of such notice, the clerk may destroy or otherwise dispose of the exhibits.

(3) Notation of Disposition. The clerk shall make an appropriate notation on the Witness and Exhibit Record reflecting any disposition of exhibits.

## **RULE 9071-1. STIPULATIONS**

## **RULE 9070-1**

Local District Court Rule 112 applies in the Bankruptcy Court.

*NOTE: Local District Court Rule 112 (Stipulations) provides:*

*A stipulation need not be considered by the Court unless it is in writing and signed by the parties thereto or their attorneys, or stenographically recorded in Court or during a deposition.*

### **RULE 9072-1. ORDERS - PROPOSED**

#### **(a) Submission of Proposed Orders.**

(1) Each motion, application, objection to claim, objection to exemptions, or other written request for a Court order (other than a complaint in an adversary proceeding), and each opposition thereto (except a responsive pleading under F.R. Bankr. P. 7007 in an adversary proceeding) shall be accompanied by an original proposed order, paper clipped, but not stapled, to the request or the opposition. (A photocopy should be stapled instead.) The proposed order shall contain a specific title describing the nature and effect of the order, preferably referring to the verbatim name of the motion giving rise to the order.

(2) Unless the Court directs otherwise, or a sufficient proposed order has already been submitted, an entity that prevails at a hearing shall, within ten (10) business days after the Court's oral ruling, submit to the Clerk and serve upon all other parties who appeared or against whom the relief is directed a proposed order in accordance with the ruling.

(b) Form of Proposed Orders. Every proposed order shall include at its foot or carried over to another page the full names and complete addresses of all entities that are to receive copies

## **RULE 9072-1**

of the Court's order when entered. If all creditors are required to receive notice of the Court order, a statement to this effect generally should appear in lieu of listing them among the entities to receive a copy of the order.

(c) Submission of Mailing Labels or Pre-Addressed Envelopes.

The proponent shall staple to each proposed order adhesive-backed mailing labels (submitted in duplicate), listing the full names and complete addresses of all entities that are to receive copies of the Court's order when entered. The chapter and case number shall appear on each page of the mailing labels at the top right hand corner. Alternatively, the proponent shall furnish pre-addressed envelopes.

## **RULE 9073-1. HEARINGS**

(a) Number of Counsel. Local District Court Rule 105 applies to hearings in the Bankruptcy Court.

(b) Judicial Notice. Unless otherwise ordered by the Court, the Court will not take judicial notice of a paper unless the party both requests the Court to do so before the close of evidence and either (1) submits as an exhibit a copy of the paper of which judicial notice is sought or (2) alternatively, in the case of a paper in a case or an adversary proceeding, has assured that the file containing the paper is present at the hearing and can identify the document by docket entry number or date. Any copy of such paper to be submitted shall be listed on any exhibit list required to be served as part of any pre-trial order.

(c) Courtroom Decorum. Counsel shall direct statements and objections made on the record to the Court and not to other

## RULE 9073-1

counsel. Unless otherwise directed by the Court, counsel need not ask permission to approach a witness.

(d) Conflicts in Engagements of Counsel. Local District Court Rule 118 (Avoidance and Resolution of Conflicts in Engagement of Counsel Among the Courts in the District of Columbia) applies to the Bankruptcy Court as a unit of the District Court.

(e) Cross-References. Rules regarding exhibits and witnesses are contained in LBR 9070-1. Continuances (and the duty of counsel to have at any hearing a calendar of future engagements) are governed by LBR 5071-1. Emergency hearings are governed by LBR 5070-1(b).

*NOTE: Local District Court Rule 105 (Number of Counsel) provides:*

*Except by permission of the Court only one attorney on each side shall examine a witness, address the Court on a question arising in a trial, or address the Court or jury in final argument.*

**APPENDIX A**  
**LOCAL OFFICIAL FORMS**

- |                               |   |
|-------------------------------|---|
| <b>Local Official Form 1.</b> | Request under LBR 5070-1 for Hearing.                                   |
| <b>Local Official Form 2.</b> | Notice of Hearing under LBR 5070-1.                                     |
| <b>Local Official Form 3.</b> | Notice under LBR 9013-1 of Opportunity to Object to Motion.             |
| <b>Local Official Form 4.</b> | Notice under LBR 2002-1 of Time to Respond to Motions or Other Filings. |
| <b>Local Official Form 5.</b> | Notice under LBR 6004-1 of Proposed Use, Sale or Lease of Property.     |
| <b>Local Official Form 6.</b> | Notice under LBR 3007-1 of Time to Respond to Objection to Claim.       |
| <b>Local Official Form 7.</b> | Notice under LBR 4003-1 of Time to Respond to Objection Exemptions.     |
| <b>Local Official Form 8.</b> | Witness and Exhibit List under LBR 9070-1.                              |

**APPENDIX A**  
**LOCAL OFFICIAL FORMS**

LOCAL OFFICIAL FORM NO. 1  
REQUEST UNDER LBR 5070-1 FOR HEARING

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE _____,	)	Case No. _____
	)	Chapter _____
Debtor.	)	
_____	)	[Hearing Date: Not yet set]

[If this is an Adversary Proceeding, the Adversary Proceeding caption, Official Form No. 16C, F.R. Bankr. P., should be used with the note regarding the hearing date underneath the Adversary Proceeding Number instead of the Case Number.]

REQUEST FOR HEARING PURSUANT TO LBR 5070-1

1. Pursuant to LBR 5070-1, the undersigned requests that the Clerk assign a hearing date for the following matter: [describe motion or other matter that requires a hearing].

2. It is estimated that the hearing will take [state the estimated time the hearing will take].

3. I will need to mail the notice of the hearing at least \_\_\_\_\_ days ahead of the hearing.

4. The following dates should not be used as the hearing date (because of unavailability of counsel or witnesses or other reasons):  
\_\_\_\_\_.

5. [State any other information which will be useful to the Clerk in deciding what date to assign for the hearing of the matter, including any urgency in the need for a ruling.]

Dated: \_\_\_\_\_  
[Requestor's Name, Address, and Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-1(h)]

NOTE: In compliance with LBR 5070-1, the party requesting a hearing must file in duplicate a notice of the hearing, see Official Form No. 2, within three (3) days after being given notification of the hearing date. A party need not request a hearing: if the party's motion or other matter is not ruled upon on the papers, the Court will set a hearing in due course. This form is intended for use when the party knows in advance that a matter will require a hearing or to assure that a hearing is already set if someone files an objection to the action the party proposes. It may also be used when a party desires a hearing on a matter already ripe for a hearing and the Court has not set a hearing.



**APPENDIX A**  
**LOCAL OFFICIAL FORMS**

LOCAL OFFICIAL FORM NO. 2  
NOTICE UNDER LBR 5070-1 OF HEARING

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE _____,	)	Case No. _____
	)	Chapter _____
Debtor.	)	
_____	)	[Hearing Date: __/__/__ at __:__ __.m.]

[If this is an Adversary Proceeding, the Adversary Proceeding caption, Official Form No. 16C, F.R. Bankr. P., should be used with the note regarding the hearing date underneath the Adversary Proceeding Number instead of the Case Number.]

NOTICE OF HEARING ON  
[INSERT TITLES OF MOTIONS  
OR OTHER MATTERS BEING HEARD]

Please take notice that a hearing will be held on \_\_\_\_\_ at \_\_:\_\_  
\_\_\_.m. on the following matters:

[insert matters to be heard]

in the Bankruptcy Court's courtroom in the United States Courthouse, 3rd and Constitution Avenue N.W., Washington, D.C. 20001. Parties in interest with questions may contact the undersigned.

Date: \_\_\_\_\_  
[Signer's Name, Address, and Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-1(h)]

**APPENDIX A**  
**LOCAL OFFICIAL FORMS**

LOCAL OFFICIAL FORM NO. 3  
NOTICE UNDER LBR 9013-1 OF OPPORTUNITY TO OBJECT TO MOTION

[CAPTION]

MOTION [STATE NAME OF MOTION] AND NOTICE OF  
DEADLINE TO FILE AND SERVE OBJECTION TO MOTION

A. MOTION

[Set forth Motion and its grounds.]

B. NOTICE OF DEADLINE TO FILE AND SERVE OBJECTION TO MOTION

PLEASE TAKE NOTICE THAT WITHIN ELEVEN (11) DAYS AFTER SERVICE OF THIS MOTION [OR SIMPLY STATE THE DATE THAT IS THE DEADLINE] you must file and serve a written objection to the motion, together with the proposed order required by Local Bankruptcy Rule 9072-1. The objection and proposed order must be filed with the Clerk of the Bankruptcy Court, U.S. Courthouse, 3rd and Constitution Ave., N.W., Washington, D.C. 20001, and served (by delivery or mailing of a copy) upon the undersigned. The objection must contain a complete specification of the factual and legal grounds upon which it is based. You may append affidavits and documents in support of your objection.

IF YOU FAIL TO FILE A TIMELY OBJECTION, THE MOTION MAY BE GRANTED BY THE COURT WITHOUT A HEARING. The Court may grant the motion without a hearing if the objection filed states inadequate grounds for denial.

Dated: \_\_\_\_\_  
[Movant-s Attorney-s Name, Address, and Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-1(h)]

NOTE: The motion and notice optionally can be filed instead as separate documents, with appropriate modifications in the notice to specify what motion is involved. Some rules, such as F.R. Bankr. P. 4001(d)(2), provide for a different period than eleven (11) days after service for objecting to a motion.

The notice should be modified accordingly in those instances. Official Local Form No. 4, and not this form, is to be used when notice is given to the entire creditor body of the opportunity to object to a motion or other proposed action.

**APPENDIX A**  
**LOCAL OFFICIAL FORMS**

LOCAL OFFICIAL FORM NO. 4  
NOTICE UNDER LBR 2002-1 TO CREDITORS AND OTHERS  
OF OPPORTUNITY TO OBJECT TO MOTION OR OTHER FILING

[CAPTION]

NOTICE OF OPPORTUNITY TO OBJECT TO  
[Name of Motion or Proposed  
Action to be Taken]

PLEASE TAKE NOTICE THAT WITHIN TWENTY (20) DAYS AFTER THE DATE OF THIS NOTICE [OR SIMPLY STATE THE DATE THAT IS THE DEADLINE] you must file and serve a written objection to the motion [or proposed action (such as a proposed abandonment)], together with the proposed order required by Local Bankruptcy Rule 9072-1. The objection and proposed order must be filed with the Clerk of the Bankruptcy Court, U.S. Courthouse, 3rd and Constitution Ave., N.W., Washington, D.C. 20001, and served (by delivery or mailing of a copy) upon the undersigned. The objection must contain a complete specification of the factual and legal grounds upon which it is based. You may append affidavits and documents in support of your objection.

IF YOU FAIL TO FILE A TIMELY OBJECTION, THE MOTION [OR PROPOSED ACTION, SUCH AS ABANDONMENT] MAY BE GRANTED BY THE COURT WITHOUT A HEARING. The Court may grant the motion [or proposed action] without a hearing if the objection filed states inadequate grounds for denial. Parties in interest with questions may contact the undersigned.

Dated: \_\_\_\_\_  
[Movant-s Attorney-s Name, Address, and Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-1(h)]

NOTE: Some rules, such as F.R. Bankr. P. 6007, provide for a different period than twenty (20) days for objections. The notice should be modified accordingly.

In addition, some rules, such as F.R. Bankr. P. 6007, measure the objection period from the date of the mailing of the notice, which means that F.R. Bankr. P. 9006(f) applies to add three (3) days to the notice period. The notice should refer in those circumstances to "AFTER THE MAILING OF THIS NOTICE" instead of "THE DATE OF THIS NOTICE."

**APPENDIX A**  
**LOCAL OFFICIAL FORMS**

LOCAL OFFICIAL FORM NO. 5  
NOTICE UNDER LBR 6004-1 OF PROPOSED  
USE, SALE, OR LEASE OF PROPERTY

[CAPTION]

NOTICE OF PROPOSED [USE] [SALE]  
[LEASE] OF [Describe Property]

PLEASE TAKE NOTICE that [use] [sale] [lease] of the following-described property of the estate, not in the ordinary course of business, is proposed in accordance with F.R. Bankr. P. 6004(a):

[Detailed Property Description]

It is proposed that the property be [describe sale, use or lease].  
[Insert information required by LBR 6004-1(a) and F.R. Bankr. P. 2002(c).]

PLEASE TAKE NOTICE that no later than \_\_\_\_\_ [the 5th day before the date set for the proposed sale -- see F.R. Bankr. P. 6004(b)] you must file and serve a written objection to the proposed [sale] [use] [lease], together with the proposed order required by Local Bankruptcy Rule 9072-1. The objection and proposed order must be filed with the Clerk of the Bankruptcy Court, U.S. Courthouse, 3rd and Constitution Ave., N.W., Washington, D.C. 20001, and served (by delivery or mailing of a copy) upon the undersigned. The objection must contain a complete specification of the factual and legal grounds upon which it is based. You may append affidavits and documents in support of your objection.

IF YOU FAIL TO FILE A TIMELY OBJECTION, THE SALE [or LEASE or USE] WILL BE AUTHORIZED BY THE BANKRUPTCY CODE AND BY THE RULES OF THE COURT WITHOUT THE NECESSITY OF A COURT ORDER. The Court may authorize the sale without a hearing if the objection filed states inadequate grounds for denial. Parties in interest with questions may contact the undersigned.

Dated: \_\_\_\_\_  
[Movant's Attorney's Name, Address, and Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-1(h)]

NOTE: This form is to be used when a sale, use or lease out of the ordinary course of business can be authorized on notice without the necessity of Court order.

**APPENDIX A**  
**LOCAL OFFICIAL FORMS**

LOCAL OFFICIAL FORM NO. 6  
NOTICE UNDER LBR 3007-1 OF TIME TO  
RESPOND TO OBJECTION TO CLAIM

[CAPTION]

OBJECTION TO CLAIM OF \_\_\_\_\_  
AND NOTICE OF TIME TO RESPOND TO OBJECTION

A. OBJECTION TO CLAIM

[Set out basis for objecting to claim.]

B. NOTICE OF TIME TO RESPOND TO OBJECTION

PLEASE TAKE NOTICE:

PURSUANT TO LBR 3007-1, WITHIN THIRTY (30) DAYS OF \_\_\_\_\_, 199\_\_\_\_, THE DATE OF THIS NOTICE, you must file and serve a written opposition to the objection to your claim and a proposed order under Local Bankruptcy Rule 9072-1.

The opposition and proposed order must be filed with the Clerk of the Bankruptcy Court, U.S. Courthouse, 3rd and Constitution Ave., N.W., Washington, D.C. 20001, and served (by delivery or mailing of copies) upon the undersigned. The opposition may append affidavits and documents you wish to attach in support of your claim.

IF YOU FAIL TO FILE A TIMELY OPPOSITION, THE COURT MAY GRANT THE OBJECTION TO CLAIM AND DISALLOW YOUR CLAIM IN THE MANNER SOUGHT BY THE OBJECTION WITHOUT A HEARING. You may file and serve with or include in the opposition a request for hearing which may be held in the Court's discretion.

Dated: \_\_\_\_\_  
[Objecting Party's Attorney's Name, Address, and Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-1(h)]

NOTE: See LBR 3007-1 for the rules regarding service of the objection. The objection and notice optionally can be filed as separate documents, with appropriate modifications in the notice to specify what objection to claim is involved.

**APPENDIX A**  
**LOCAL OFFICIAL FORMS**

LOCAL OFFICIAL FORM NO. 7  
NOTICE UNDER LBR 4003-1 OF TIME TO  
RESPOND TO OBJECTION TO EXEMPTIONS

[CAPTION]

OBJECTION TO EXEMPTIONS AND NOTICE OF TIME  
TO RESPOND TO OBJECTION TO EXEMPTIONS

TO: Debtor and Debtor's Attorney of Record

A. OBJECTION TO EXEMPTIONS

[State grounds for objection]

B. NOTICE OF TIME TO RESPOND TO OBJECTION

PLEASE TAKE NOTICE THAT, PURSUANT TO LBR 4003-1, WITHIN FIFTEEN (15) DAYS AFTER \_\_\_\_\_, THE DATE OF SERVICE OF THIS OBJECTION, [OR ALTERNATIVELY SIMPLY STATE DEADLINE] you must file and serve a written opposition to the objection to your claimed exemptions, together with the proposed order required by Local Bankruptcy Rule 9072-1. The opposition and proposed order must be filed with the Clerk of the Bankruptcy Court, U.S. Courthouse, 3rd and Constitution Ave., N.W., Washington, D.C. 20001, and served (by delivery or mailing of copies) upon the undersigned. You may append affidavits and documents in support of your opposition. You may file and serve with or include in the opposition a request for hearing to be held in the Court's discretion.

IF YOU FAIL TO FILE A TIMELY OPPOSITION, THE COURT MAY SUSTAIN THE OBJECTION WITHOUT A HEARING.

Dated: \_\_\_\_\_  
[Objecting Party's Attorney's Name, Address, and Phone No.]

[CERTIFICATE OF SERVICE UNDER LBR 5005-1(h)]

NOTE: See LBR 4003-1 for the rules regarding service of the objection. The objection and notice optionally may be filed as separate documents, with appropriate modifications in the notice to specify what objection to exemptions is involved.

**APPENDIX A**  
**LOCAL OFFICIAL FORMS**

LOCAL OFFICIAL FORM NO. 8

\_\_\_\_\_ 's WITNESS AND EXHIBIT RECORD

Date	Case or Adv. Pro. No.	Operator*	Page Number
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Name of Witness	Brief Description of Testimony to be Elicited	Estimated Time to Elicit Testimony	Date Called*

\*For Court Use

Page \_\_\_\_

Exhibit Number	Description	ID*	Date Admitted*

[illegible]

TITLE VI - ADMINISTRATION OF THE BANKRUPTCY SYSTEM<sup>1</sup>

<sup>1</sup>Rules 601 through 606 of this Title deal with the interrelationship of matters (references, *de novo* reviews, appeals, etc.) between the United States District Court and the United States Bankruptcy Court. The United States Bankruptcy Court has its own local rules governing procedures within that court. Those local rules, which were last revised on February 1, 1984, remain in effect.



APPENDIX B  
TITLE VI, LOCAL RULES OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Local District Court Rule 602.	Withdrawal of Reference
Local District Court Rule 603.	<i>De Novo</i> Review
Local District Court Rule 604.	Appeals to District Court
Local District Court Rule 605.	Core Determination; Consent to Bankruptcy Judge's Determination; Appeal; Abstention; Jury Trial Determination; Venue Determination; Removal and Remand
Local District Court Rule 606.	Repealer; Continued Applicability

**APPENDIX B**  
**TITLE VI, LOCAL RULES OF THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF COLUMBIA**  
**RULE 601**

**RULE 601**  
**REFERENCE TO BANKRUPTCY JUDGE**

Pursuant to 28 U.S.C. ' 157(a), all cases under Title 11 and proceedings arising under Title 11 or arising in or related to a case under Title 11 are referred to the Bankruptcy Judge of this District. All papers filed in any such case or proceeding, including the original petition, shall be filed with the Clerk of the Bankruptcy Court and shall be captioned "United States Bankruptcy Court for the District of Columbia."

***COMMENT TO RULE 601:** This Rule implements newly enacted 28 U.S.C. ' 157(a) and exercises the discretion of the District Court to refer all cases under Title 11, and all proceedings arising in or related to a case under Title 11, to the Bankruptcy Judge for the District.*

**RULE 602**  
**WITHDRAWAL OF REFERENCE**

**(a) FORM OF REQUEST; PLACE FOR FILING.**

A request for withdrawal in whole or in part of the reference of a case or proceeding referred to the Bankruptcy Judge, other than a sua sponte request by the Bankruptcy Judge, shall be by motion filed timely with the Clerk of the Bankruptcy Court. All such motions shall conform to Local Rule 108 of the Local Rules of this Court. In addition, all such motions shall clearly and conspicuously state that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."

**(b) TIME FOR FILING.**

Except as provided below as to adversary proceedings and contested matters, motion to withdraw the reference of a whole bankruptcy case or any part of a bankruptcy case shall be served and filed at or before the time first scheduled for the meeting of creditors held pursuant to 11 U.S.C. ' 341(a). Except as provided below as to contested matters, a motion to withdraw the reference of a whole adversary proceeding or any part of an adversary proceeding shall be served and filed on or before the date on which an answer, reply or motion under Bankruptcy Rule 7012 or 7015 is first due. A motion to withdraw the reference of a contested matter within a case shall be served and filed not later than 11 days after service of the motion, application or objection which initiates the contested matter. Notwithstanding the foregoing, a motion to withdraw the reference may be served and filed not later than 11 days after service of any timely filed pleading or paper in which the basis for the motion first arises.

**APPENDIX B**  
**TITLE VI, LOCAL RULES OF THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF COLUMBIA**  
**RULE 602**

**(c) STAY.**

The filing of a motion to withdraw the reference does not stay proceedings in the Bankruptcy Court. The procedures relating to stay shall be the same as set forth in Bankruptcy Rule 8005.

**(d) DESIGNATION OF RECORD.**

The moving party shall serve and file, together with the motion to withdraw the reference, a designation of those portions of the record of the proceedings in the Bankruptcy Court that the moving party believes will reasonably be necessary or pertinent to the District Court's consideration of the motion. Within 11 days after service of such designation of record, any other party may serve and file a designation of additional portions of the record.

If the record designated by any party includes a transcript of any proceeding or a part thereof, that party shall immediately after filing the designation deliver to the reporter and file with the Clerk of the Bankruptcy Court a written request for the transcript and make satisfactory arrangements for payment of its cost. All parties shall take any other action necessary to enable the Clerk to assemble and transmit the record. The parties shall submit only that part or parts of a transcript of proceedings relevant to the issues raised on the motion for withdrawal of reference. If the issues involve only questions of law, the parties may submit an agreed statement of facts or such part or parts of the record as are relevant to such questions of law, unless the District Judge considering the motion directs otherwise.

**(e) RESPONSES TO MOTIONS TO WITHDRAW THE REFERENCE; REPLY.**

Opposing parties shall file with the Clerk of the Bankruptcy Court, and serve on all parties to the matter as to which withdrawal of the reference has been requested, their written responses to the motion to withdraw the reference, within 11 days after being served a copy of the motion. The moving party may serve and file a reply within 11 days after service of a response.

**(f) TRANSMITTAL TO AND PROCEEDINGS IN DISTRICT COURT.**

When the record is complete for purposes of transmittal, but without awaiting the filing of any transcripts, the Clerk of the Bankruptcy Court shall promptly transmit to the Clerk of the District Court the motion papers and the portions of the record designated. After the opening of a docket in the District Court, documents pertaining to the matter under review by the District Court shall be filed with the Clerk of the District Court, but all documents relating to other matters in the bankruptcy case or adversary proceeding or contested matter shall continue to be filed with the Clerk of the Bankruptcy Court. Any motion and any sua sponte request by the Bankruptcy Judge to withdraw the reference

**APPENDIX B**  
**TITLE VI, LOCAL RULES OF THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF COLUMBIA**  
**RULE 602**

shall be referred to the Chief Judge or the Chief Judge's designee for decision, but if the matter is withdrawn it shall be assigned to a District Judge in accordance with this court's usual system for assigning civil cases, unless the Chief Judge determines that exceptional circumstances warrant special assignment to a District Judge. Upon request of this Court, the Bankruptcy Judge shall determine, pursuant to 28 U.S.C. ' 157(b)(3), whether or not any proceeding, as to which withdrawal of the reference is sought in whole or in part, is a core proceeding. This Court may, in its discretion, grant or deny the motion to withdraw the reference, in whole or in part. After such withdrawal, this Court may retain the entire matter withdrawn or may refer part or all of it back to the Bankruptcy Judge with or without instructions for further proceedings.

**COMMENT TO RULE 602:** *This rule implements that part of 28 U.S.C. ' 157 which provides that District Court disposition of certain proceedings arising under Title 11 or arising in or related to cases under Title 11 may be appropriate. The rule thus:*

- (a) provides for a request for withdrawal of reference by a party to be filed with the Bankruptcy Clerk with a request for relief from the District Court;*
- (b) provides for timely filing of such a request (note that paragraph (b) increases the time from 7 or 10 to 11 days);*
- (c) sets forth the procedure to obtain a stay;*
- (d) sets forth the procedure for designating the record for District Court disposition (note that paragraph (d) increases the time from 10 to 11 days);*
- (e) sets forth the procedure for contesting motions to withdraw reference (note that paragraph (e) increases the time from 7 or 10 to 11 days); and*
- (f) provides for the processing of the administrative aspects of a withdrawn case or proceeding in the District Court.*

**RULE 603**  
**DE NOVO REVIEW**

- (a) FORM OF REQUEST; TIME AND PLACE FOR FILING.**

Pursuant to 28 U.S.C. ' 157(c)(1), any party may request

**APPENDIX B**  
**TITLE VI, LOCAL RULES OF THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF COLUMBIA**  
**RULE 602**

*de novo* review of proposed findings of fact and conclusions of law and a proposed final order or judgment by the Bankruptcy Judge by filing with the Clerk of the Bankruptcy Court, and serving on all parties to the matter under review within 11 days after service of a copy of such proposed findings, conclusions and order or judgment, written objections which shall specifically identify the portions of the proposed findings, conclusions, and order or judgment to which objection is made and the basis for such objection. All such objections shall conform to Local Rule 108 of the Local Rules of this Court and in addition shall clearly and conspicuously state that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."

**(b) DESIGNATION OF RECORD; RESPONSES TO OBJECTIONS; REPLY; TRANSMITTAL TO AND PROCEEDINGS IN DISTRICT COURT.**

The procedures for designation of record, responses to objections, reply, and transmittal to and proceedings in the District Court shall be the same as set forth in Rule 602(d), (e), and (f), but the matter under review shall be assigned to a District Judge in accordance with this court's usual system for assigning civil cases.

**(c) DE NOVO CONSIDERATION BY DISTRICT JUDGE.**

A District Judge shall make a *de novo* determination of those portions of the Bankruptcy Judge's proposed findings, conclusions, and order or judgment to which objection is made and may accept, reject, or modify, in whole or in part, the proposed findings, conclusions, and order or judgment by the Bankruptcy Judge. The District Judge, however, need not normally conduct a new hearing and may consider the record developed before the Bankruptcy Judge and may make a determination on the basis of that record. The District Judge may also receive further evidence, recall witnesses or re-refer the matter to the Bankruptcy Judge with instructions.

**(d) EFFECT OF FAILURE TO OBJECT.**

Failure to file a timely objection to the Bankruptcy Judge's proposed findings, conclusions and order or judgment shall constitute consent to determination of the proceeding by the Bankruptcy Judge, pursuant to 28 U.S.C. ' 157(c)(2); in such event the proposed findings, conclusion and order or judgment shall become the findings, conclusions and order or judgment of the Bankruptcy Court as of the date of their original entry.

**COMMENT TO RULE 603:** *Section 157(c) of Title 28 provides that a bankruptcy judge may try a "non- core proceeding" related to a case under Title 11 and submit proposed findings of fact and*

**APPENDIX B**  
**TITLE VI, LOCAL RULES OF THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF COLUMBIA**  
**RULE 603**

*conclusions of law to the District Court. This Rule sets forth the procedure for obtaining de novo review and the standards for such review. Note that paragraph (a) increases the time from 10 to 11 days.*

**RULE 604**  
**APPEALS TO DISTRICT COURT**

**(a) RETENTION OF RECORD IN BANKRUPTCY COURT.**

Unless the District Court or the Bankruptcy Court otherwise orders in any particular case, the record on appeal as designated pursuant to Bankruptcy Rule 8006 shall be retained by the Clerk of the Bankruptcy Court until such time as it is requested by the District Judge to whom the appeal is assigned.

**(b) FAILURE TO DESIGNATE RECORD OR ISSUES OR TO FILE BRIEF.**

If, after an appeal to the District Court has been noted, the appellant fails to designate the contents of the record on appeal or to file a statement of the issues to be presented on appeal within the time required by Bankruptcy Rule 8006, the Clerk of the Bankruptcy Court shall forward forthwith to the Clerk of the District Court a partial record consisting of a copy of the order or judgment appealed from, the notice of appeal, a copy of the docket entries and any other part of the record that the Clerk of the Bankruptcy Court deems appropriate. On request of the District Court, the Clerk of the Bankruptcy Court shall in addition transmit any other part of the record to the Clerk of the District Court.

The District Court may, upon motion of the appellee filed in the office of the clerk of the District Court, or upon its own order, dismiss the appeal for failure to comply with Bankruptcy Rule 8006.

If, after an appeal has been noted and the appellant has complied with Bankruptcy Rule 8006, the appellant fails to serve and file a brief within the time required by Bankruptcy Rule 8009, the District Court may, upon motion of the appellee filed in the office of the Clerk of the District Court, or upon its own order, dismiss the appeal for failure to comply with Bankruptcy Rule 8009.

**(c) INTERLOCUTORY APPEALS.**

Whenever the Bankruptcy Judge has entered an interlocutory order, decree or judgment as to which a motion for leave to appeal has been filed pursuant to 28 U.S.C. ' 158 and Rule 8003 of the Bankruptcy Rules, the Bankruptcy Judge shall, upon request of this Court, submit to this Court a written certification stating whether, in the Bankruptcy Judge's opinion, such order, decree or judgment involves a controlling question of law as to which there is substantial ground for difference of opinion and whether an immediate appeal from the order may materially advance

**APPENDIX B**  
**TITLE VI, LOCAL RULES OF THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF COLUMBIA**  
**RULE 604**

the ultimate termination of the case. This Court may thereupon, in its discretion, grant or deny the motion for leave to appeal.

***COMMENT TO RULE 604:** This Rule supplements the procedures set forth in the national Bankruptcy Rules governing appeals to the District Court as provided by 28 U.S.C. ' 158. Of special note is subsection (c) of this Rule dealing with interlocutory appeals, which authorizes the District Court to request certification from the Bankruptcy Judge with respect to controlling questions of law, similar to the statement authorized by 28 U.S.C. ' 1292 in the case of interlocutory appeals from the District Court to the Court of Appeals.*

**RULE 605**  
**CORE DETERMINATION; CONSENT TO BANKRUPTCY JUDGE'S**  
**DETERMINATION; APPEAL; ABSTENTION; JURY TRIAL**  
**DETERMINATION; VENUE DETERMINATION; REMOVAL AND REMAND**  
**PROCEDURES**

- (a) for determination by the Bankruptcy Judge whether a proceeding is a core proceeding pursuant to 28 U.S.C. ' 157(b)(3),
- (b) for consent for the Bankruptcy Judge to hear and determine proceedings related to cases under Title 11 pursuant to 28 U.S.C. ' 157(c)(2) (except as set forth in Rule 603(d)),
- (c) for appeals pursuant to 28 U.S.C. ' 158 (except as set forth in Rule 604),
- (d) for abstention pursuant to 28 U.S.C. ' 1334(c),
- (e) for determination as to jury trial pursuant to 28 U.S.C. ' 1411(b),
- (f) for determination concerning venue pursuant to 28 U.S.C. ' 1412, and
- (g) for removal and remand pursuant to 28 U.S.C. ' 1452

shall be as set forth in the Bankruptcy Rules and in such Local Rules as may be adopted by the Bankruptcy Court pursuant to Bankruptcy Rule 9029 or by this Court pursuant to Bankruptcy Rule 8018.

***COMMENT TO RULE 605:** Rule 605 makes clear that the Bankruptcy Rules, both local and national, shall govern certain matters*

APPENDIX B  
TITLE VI, LOCAL RULES OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA  
RULE 605

*referred by this Court to the Bankruptcy Judge.*

RULE 606  
REPEALER; CONTINUED APPLICABILITY

Title V of the former Rules is repealed, but shall continue to apply to cases now pending under the Bankruptcy Act of 1898, as amended.

**COMMENT TO RULE 606:** *This Rule applies only to those few cases still pending which were brought under the Bankruptcy Act of 1898, as amended.*





# **PUBLIC NOTICE OF PROCEDURAL ORDER APPLICABLE TO ALL CASES AND PROCEEDINGS**

## **UNITED STATES BANKRUPTCY COURT DISTRICT OF COLUMBIA**

November 19, 2003

Effective December 1, 2003, anyone filing a paper in this court must comply with the following order designed to protect the privacy of personal data identifiers.

Denise H. Curtis  
Clerk of Court

### **UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLUMBIA**

#### **PROCEDURAL ORDER, APPLICABLE TO ALL CASES AND PROCEEDINGS, IMPOSING RESTRICTIONS ON FILINGS OF PAPERS IN ORDER TO CONFORM WITH JUDICIAL CONFERENCE PRIVACY POLICY**

It is hereby ORDERED THAT:

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents and pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms:

- a. **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
- b. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule I of Official Bankruptcy Form 6, list relationship and age of the debtor's dependents ( i.e., son, age 6).
- c. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used. On Schedule I of Official Bankruptcy Form 6, list the age of each of the debtor's dependents.

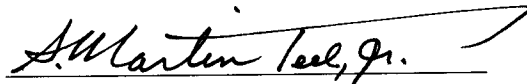
d. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used. On Schedules D, E, and F of Official Bankruptcy Form 6, debtors, if they so choose, may include their full account numbers to assist the trustee and creditors.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each document for compliance with this rule.

This order is effective as to all filings made on or after December 1, 2003.

Dated: November 19, 2003.

A handwritten signature in black ink, reading "S. Martin Teel, Jr.", written over a horizontal line.

S. Martin Teel, Jr.  
United States Bankruptcy Judge